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PENNSYLVANIA BULLETIN

Volume 40

Number 30

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Pages 4131—4232

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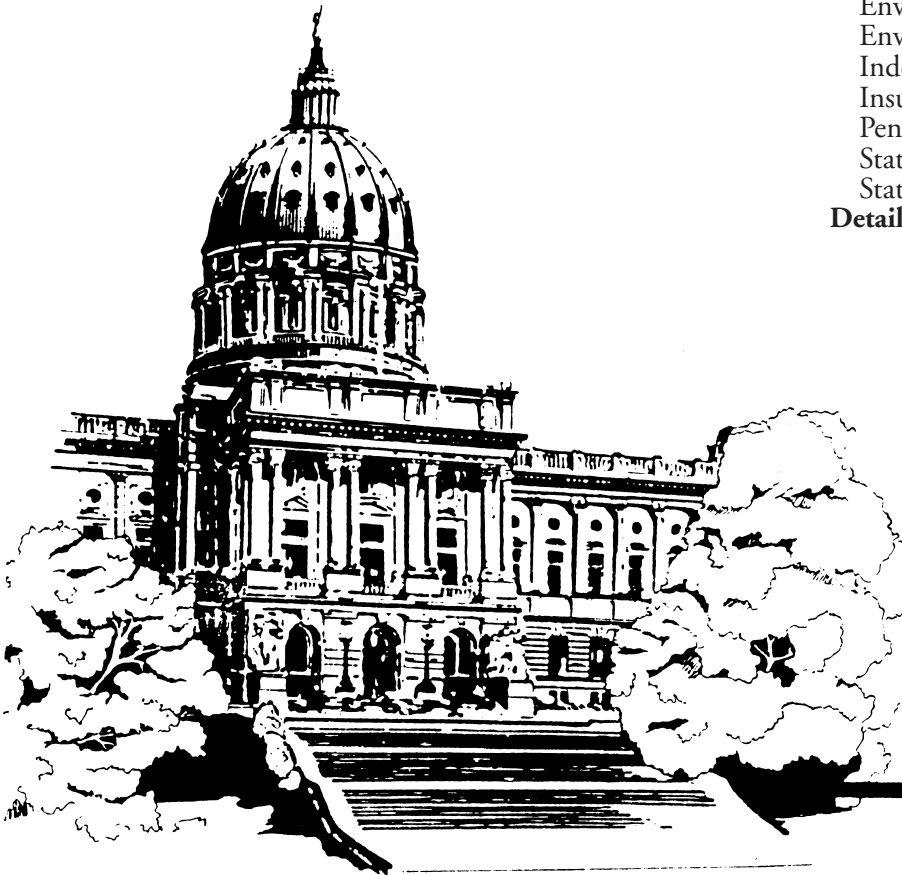
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(Master Transmittal Sheets):**

No. 428, July 2010

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1910, 1915 AND 1920]

Amendment of Rules 1910.16-4, 1910.16-6, 1915.4, 1920.51, 1920.52 and 1920.73 of the Pennsylvania Rules of Civil Procedure; No. 528; Civil Procedural Rules

Order

Per Curiam:

And Now, this 8th day of July, 2010, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 38 Pa.B. 6689 (December 13, 2008), and *West's Pennsylvania Reporter*, 959 A.2d No. 2, Ct.R-30-40 (December 19, 2008):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.16-4, 1910.16-6, 1915.4, 1920.51, 1920.52, and 1920.73 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 60 days on September 6, 2010.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

* * * * *

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or alimony pendente lite (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support the children, the guideline amount of spousal support or alimony pendente lite shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support or alimony pendente lite, and awarding the net difference either to the non-custodial parent as spousal support/alimony pendente lite or to the custodial parent as child support as the circumstances warrant

[The following example uses the formula to show the steps followed to determine the amount of the non-custodial parent's support obligation to the children and the effect of that obligation upon the custodial parent's spousal support obligation. The example assumes that the parties have two children and the non-custodial parent's net monthly income is \$1,000 and the custodial parent's net monthly income is \$2,600.] The calculation is a five-step process. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal

support without dependent children[, i.e., \$640]. Second, recompute the net income of the parties assuming the payment of the spousal support [so that \$640 is deducted from the custodial parent's net income, now \$1,960, and added to the non-custodial parent's net income, now \$1,640]. Third, determine the child support obligation of the non-custodial parent for two children[, i.e., \$536]. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent's child support obligation from Step 3 [(\$536)] from the original support obligation determined in Step 1 [(\$640). The recomputed spousal support is \$104]. Fifth, because the first step creates additional tax liability for the recipient non-custodial parent and additional tax deductions for the payor custodial parent and the third step involves an offset of the child support owed by the non-custodial parent against the spousal support or alimony pendente lite owed by the custodial parent, only that reduced amount will be taxable. Therefore, upon application of either party, the trier of fact may consider as a deviation factor the ultimate tax effect of the calculation.

* * * * *

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

* * * * *

(b) *Health Insurance Premiums.*

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party who is paying the premium. **If there is no statutory duty of support owed to the party who is paying the premium, the portion attributable to that person must be deducted from the premium as set forth in subdivision (2) below.** If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by a third party resident of [the] **either party's** household, the cost shall be allocated between the parties in proportion to their net incomes. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

(2) When the health insurance covers a party to whom no statutory duty of support is owed, **even if that person is paying the premium as set forth in subdivision (1) above**, or other persons who are not parties to the support action or children who are not the subjects of the support action, the portion of the premium attributable to them must be excluded from allocation. In the event **that evidence as to this portion is not [known or cannot be verified] submitted by either party**, it shall be calculated as follows. First, determine the cost per person by dividing the total cost of the premium by the number of persons covered under the

policy. Second, multiply the cost per person by the number of persons who are not owed a statutory duty of support, or are not parties to, or the subject of the support action. The resulting amount is excluded from allocation.

(2.1) The actual incremental amount of the premium which provides coverage for the subjects of the support order, if submitted by either party, shall be used in determining the amount of the premium to be allocated between the parties. If not submitted by either party, then the amount of the premium shall be divided by the number of persons covered to calculate the portion of the premium that provides coverage to each person.

Example 1. If the parties are separated, but not divorced, and Husband pays \$200 per month toward the cost of a health insurance policy provided through his employer which covers himself, Wife, the parties' child, and two additional children from a previous marriage, the portion of the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total of \$80 to be excluded from allocation. Deduct this amount from the total cost of the premium to arrive at the portion of the premium to be allocated between the parties—\$120. Since Husband is paying the premium, and spouses have a statutory duty to support one another pursuant to 23 Pa.C.S.A. § 4321, Wife's percentage share of the \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, then Husband's percentage share would be added to his basic support obligation.

* * * *

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.4. Prompt Disposition of Custody Cases.

* * * *

(b) *Listing Trials Before the Court.* Depending upon the procedure in the judicial district, within 180 days of the filing of the complaint either the court shall automatically enter an order scheduling a trial before a judge or a party shall file a praecipe, motion or request for trial, except as otherwise provided in this subdivision. If it is not the practice of the court to automatically schedule trials and neither party files a praecipe, motion or request for trial within 180 days of filing of the pleading, the court shall dismiss the matter unless the moving party has been granted an extension for good cause shown, which extension shall not exceed 60 days beyond the 180 day limit. **A further reasonable extension may be granted by the court upon agreement of the parties or when the court finds, on the record, compelling circumstances for a further reasonable extension.**

* * * *

Official Note: For service of original process in custody, partial custody and visitation matters, see Rule 1930.4.

Rescinded June 20, 1985, effective Jan. 1, 1986. Note amended Oct. 2, 1995, effective Jan. 1, 1996. Replaced by new rule.

Explanatory Comment—2000

A new rule requiring prompt custody trials was recommended by a special committee established by the Pennsylvania Superior Court. That committee concluded that the interests of children who are the subjects of custody litigation would best be served by a requirement that the litigation be concluded within specific time frames.

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a)(1) The court may hear the testimony or, upon its own motion or the motion of either party, may appoint a master with respect to all or any of the matters specified in subdivision (a)(2)(i) to consider same and issue a report and recommendation. The order of appointment shall specify the matters which are referred to the master.

(2)(i) The court may appoint a master in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, an action for annulment, and the claims for alimony, alimony pendente lite, equitable distribution of marital property, child support, partial custody or visitation, or counsel fees, costs and expenses, or any aspect thereof.

(ii) **[No] If there are no claims other than divorce, no master may be appointed [as to the claim] to determine grounds for divorce [in an action under Section] if either party has asserted grounds for divorce pursuant to § 3301(c) or § 3301(d)(1)(i) of the Divorce Code. A master may be appointed to hear ancillary economic claims in a divorce action pursuant to § 3301(c) or § 3301(d) of the Divorce Code. The master may be appointed to hear ancillary economic claims prior to the entry of a divorce decree if grounds for divorce have been established.**

(iii) No master may be appointed in a claim for legal, physical or shared custody or paternity.

Official Note: Section 3321 of the Divorce Code, 23 [Pa.C.S.] Pa.C.S.A. § 3321, prohibits the appointment of a master as to the claims of custody and paternity.

(3) The motion for the appointment of a master and the order shall be substantially in the form prescribed by Rule 1920.74.

(4) A permanent or standing master employed by a judicial district shall not practice family law before a conference officer, hearing officer or permanent or standing master employed by the same judicial district.

Official Note: Hearing conference officers preside at office conferences under [Support] Rule 1910.11. Hearing officers preside at hearings under [Support] Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by [Divorce] Rule 1920.51.

(b) Written notice of the hearing shall be given to each attorney of record by the master. If a master has not been appointed, the prothonotary, clerk or other officer designated by the court shall give the notice.

(c) If no attorney has appeared of record for a party, notice of the hearing shall be given to the party by the

1master, or if a master has not been appointed, by the prothonotary, clerk or other officer designated by the court, as follows:

(1) to the plaintiff, by ordinary mail to the address on the complaint;

(2) to the defendant,

(i) if service of the complaint was made other than pursuant to special order of court, by ordinary mail to the defendant's last known address; or

(ii) if service of the complaint was made pursuant to special order of court, (a) by sending a copy of the notice by ordinary mail to the persons, if any, named in the investigation affidavit, likely to know the present whereabouts of the defendant; and (b) by sending a copy by registered mail to the defendant's last known address.

Official Note: Under [**Definition**] Rule 76, registered mail includes certified mail.

(d) Advertising of notice of the hearing shall not be required.

(e) Proof of notice shall be filed of record.

Official Note: Consistent with [**Section**] § 3301(e) of the Divorce Code as amended, these rules contemplate that if a divorce decree may be entered under the no fault provisions of [**Section**] §§ 3301(c) or (d), a divorce decree will be entered on these grounds and no hearing shall be required on any other grounds.

Explanatory Comment—1994

While subdivision (a)(2)(ii) clearly prohibits appointment of a master to determine a divorce claim brought under §§ 3301(c) or 3301(d), the provision does permit a master to hear claims which are joined with the divorce action.

The rule is amended to conform with proposed new Rules 1915.4-1 and 1915.4-2, and to remove the implied prohibition against the use of hearing officers in partial custody or visitation cases.

Explanatory Comment—2010

The rule is amended to clarify the role of the master in a divorce case when either party has asserted grounds for divorce pursuant to § 3301(c) or § 3301(d) of the Divorce Code. The rule had been interpreted in some jurisdictions as requiring the entry of a bifurcated decree before a master could be appointed to hear economic claims.

Rule 1920.52. Hearing by the Court. Decision. No Post-trial Relief. Decree.

* * * * *

Official Note: The procedure relating to [**Motions for Reconsideration**] motions for reconsideration is set forth in Rule 1930.2.

(c) The court need not determine all claims at one time but may enter a decree adjudicating a specific claim or claims. However, unless by agreement of the parties, no bifurcated decree of divorce shall be entered except as set forth in 23 Pa.C.S.A. § 3323(c.1). In any bifurcated decree entered by the court without the agreement of the parties, the court shall state with specificity the compelling circumstances that exist for the entry of the decree and the economic provisions sufficient to protect the non-moving party.

(d) In all cases the court shall enter a decree separately adjudicating each claim raised.

Explanatory Comment—2010

The Divorce Code was amended in 2004 to make it more difficult for the court to enter a bifurcated divorce decree absent the agreement of the parties. Section 3323(c.1) became effective on January 28, 2005 and limits the circumstances in which the court may enter a bifurcated decree, requiring the establishment of grounds for divorce, compelling circumstances for the entry of the decree and sufficient economic protections for the non-moving party.

Rule 1920.73. Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record Forms.

* * * * *

(b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree:

1. Ground for divorce: irretrievable breakdown under § (3301(c)) **and** § (3301(d)(1)) of the Divorce Code. (Strike out inapplicable section.)

2. Date and manner of service of the complaint:

_____.

3. Complete either paragraph (a) or (b).

(a) Date of execution of the affidavit of consent required by § 3301(c) of the Divorce Code: by plaintiff _____; by defendant _____.

(b)(1) Date of execution of the affidavit required by § 3301(d) of the Divorce Code:

_____;

(2) Date of filing and service of the [**plaintiff's**] § 3301(d) affidavit upon the [**respondent**] opposing party:

_____.

4. Related claim spending:

_____.

_____.

5. Complete either (a) or (b).

(a) Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached:

_____.

(b) Date plaintiff's Waiver of Notice was filed with the prothonotary:

Date defendant's Waiver of Notice was filed with the prothonotary:

Attorney for (PLAINTIFF)
(DEFENDANT)

[Pa.B. Doc. No. 10-1317. Filed for public inspection July 23, 2010, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 11]

Proposed Amendments to Pa.Rs.Crim.P. 140, 141, 142 and 1101

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 140, 141, 142 and 1101 to provide for limitations on punishment for contempt before the minor judiciary and to suspend 42 Pa.C.S. § 4137(c) as unconstitutional pursuant to *Commonwealth vs. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008). This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rule precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments or objections concerning this proposal in writing to the Committee through counsel:

Anne T. Panfil, Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635

fax: (717) 231-9520
e-mail: criminalrules@pacourts.us

no later than Friday, September 17, 2010.

By the Criminal Procedural Rules Committee

RISA VETRI FERMAN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART D. Procedures Implementing 42 Pa.C.S. §§ 4137, 4138, 4139: Criminal Contempt Powers of District Justices, Judges of the Pittsburgh Magistrates Court, and Judges of the Traffic Court of Philadelphia

Rule 140. Contempt Proceedings Before [**District Justices**] **Magisterial District Judges**, Pittsburgh Magistrates Court Judges, and Philadelphia Traffic Court Judges.

(A) CONTEMPT IN THE PRESENCE OF THE COURT

1. An issuing authority may summarily hold an individual in contempt for misbehavior in the presence of the court [**which**] **that** obstructs the administration of justice, and, after affording the individual an opportunity to be heard, may impose a punishment of a fine of **not more than \$100** or imprisonment [**as provided by law**] **for not more than 30 days or both.**

* * * * *

3. The issuing authority shall issue a written order of contempt, in which the issuing authority shall:

a. set forth the facts of the case [**which**] **that** constitute the contempt;

* * * * *

(B) CONTEMPT NOT IN THE PRESENCE OF THE COURT

1. INSTITUTION OF PROCEEDINGS

a. An issuing authority may institute contempt proceedings by either

(1) giving written notice to the alleged contemnor of the time, date, and place of the contempt hearing, or

(2) when deemed appropriate by the issuing authority, issuing an attachment by means of a warrant,

whenever a person is alleged to have (i) failed to obey a subpoena issued by the issuing authority; (ii) failed to comply with an order of the issuing authority directing a defendant to pay fines and costs in accordance with an installment payment order; (iii) failed to comply with an order of a [**district justice**] **magisterial district judge** directing a defendant to compensate a victim; **or** (iv) [**violated an order issued pursuant to 23 Pa.C.S. § 6110; or (v)**] failed to comply with an order of an issuing authority in any case in which the issuing authority is by statute given the power to find the person in contempt.

b. If the proceedings are instituted by notice, the notice shall:

* * * * *

(4) advise the alleged contemnor that failure to appear at the hearing may result in the issuance of a **bench warrant [of arrest]**.

c. The notice shall be served in person or by both first class and certified mail, return receipt requested.

2. HEARING

* * * * *

c. The issuing authority shall not hold a contempt hearing in the absence of the alleged contemnor. If the alleged contemnor fails to appear for the contempt hearing, the issuing authority may continue the hearing and issue a **bench warrant [of arrest]**.

3. PUNISHMENT

Punishment for contempt may not exceed the limits set forth as follows:

a. Whenever a person is found to have failed to obey a subpoena issued by the issuing authority, punishment may be a fine of not more than \$100. Failure to pay within a reasonable time could result in imprisonment for not more than 10 days.

b. Whenever a person is found to have failed to comply with an order of the issuing authority directing a defendant to pay fines and costs in accordance with an installment payment order, punishment may be imprisonment for not more than 90 days.

c. Whenever a person is found to have failed to comply with an order of an issuing authority directing a defendant to compensate a victim, punishment may be a fine of not more than \$100 or imprisonment for not more than 30 days, or both.

Comment

This rule sets forth the procedures to implement 42 Pa.C.S. §§ 4137, 4138, and 4139 concerning contempt powers of the minor judiciary, as well as any other statutes subsequently enacted **[which]** that would provide for findings of contempt by the minor judiciary. It is not intended to supplant the procedures set forth in 23 Pa.C.S. § **[6113] 6110 et seq.** concerning violations of protection from abuse orders.

The scope of the contempt powers of **[district justices] magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges is governed by 42 Pa.C.S. §§ 4137, 4138, and 4139 respectively. Therefore, as used in this rule, “issuing authority” refers only to **[district justices] magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges when acting within the scope of their contempt powers. **However, 42 Pa.C.S. §§ 4137(c), 4138(c), and 4139(c) contain limitations upon the punishment that a minor court may impose for contempt. Such statutory limitations were held to be unconstitutional in *Commonwealth v. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008) and, to the extent that 42 Pa.C.S. §§ 4137(c), 4138(c), and 4139(c) are inconsistent with this rule, they are suspended by Rule 1101 (Suspension of Acts of Assembly).**

By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the Pittsburgh Magistrates Court to the Pittsburgh Municipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is

retained in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.

* * * * *

Paragraph (A) sets forth the procedures for handling contempt proceedings when the misbehavior is committed in the presence of the court and is obstructing the administration of justice. See 42 Pa.C.S. §§ 4137(a)(1), 4138(a)(1), and 4139(a)(1). This type of contempt is commonly referred to as “direct” or “summary” contempt. The issuing authority may immediately impose punishment without a formal hearing because prompt action is necessary to maintain or restore order in the courtroom and to protect the authority and dignity of the court. Although immediate action is permitted in these cases, the alleged contemnor is ordinarily given an opportunity to be heard before the imposition of punishment. See *Commonwealth v. Stevenson*, 482 Pa. 76, 393 A.2d 386 ([Pa.] 1978).

* * * * *

For purposes of this rule, the phrase “failed to obey a subpoena issued by the issuing authority” in paragraph (B)(1)(a) is intended to include the failure to obey any other lawful process ordering the person to appear before an issuing authority.

Pursuant to 42 Pa.C.S. §§ 4137(a)(2), (3), (4), and (5), 4138(a)(2) and (3), and 4139(a)(2) and (3), only **[district justices] magisterial district judges** have the power to impose punishment for contempt of court for failure to comply with an order directing a defendant to compensate a victim or an order issued pursuant to 23 Pa.C.S. § 6110. See paragraph (B)1.a.

* * * * *

No defendant may be sentenced to imprisonment if the right to counsel was not afforded at the contempt hearing. See *Alabama v. Shelton*, 535 U.S. 654 (2002), *Scott v. Illinois*, 440 U.S. 367 (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 (1972). Also see Rule 454 concerning counsel in summary cases. The Supreme Court in *Commonwealth v. Abrams*, 461 Pa. 327, 336 A.2d 308 ([Pa.] 1975) held that the right to counsel applies in cases of criminal contempt. See also *Commonwealth v. Crawford*, 466 Pa. 269, 352 A.2d 52 ([Pa.] 1976).

* * * * *

If a contemnor defaults in the payment of a fine imposed as punishment for contempt pursuant to **[42 Pa.C.S. §§ 4137(c), 4138(c), or 4139(c)] this rule**, the matter is to proceed as provided in Rule 142.

See Chapter 5 Part C concerning bail before a contempt hearing. See 42 Pa.C.S. § 4137(e) concerning a **[district justice’s] magisterial district judge’s** authority to set bail after an adjudication of contempt.

* * * * *

Paragraph (B)2.b(5) requires that the case be reviewed at the conclusion of a contempt hearing to determine whether the restitution order or the fines and costs installment order should be altered or amended, rather than scheduling another hearing. This review should be conducted whether or not the **[district justice] magisterial district judge** finds an individual in contempt for failure to comply with an order to pay restitution, or whether or not the issuing authority finds an individual in contempt for failure to comply with an installment

order to pay fines and costs. For the authority to alter or amend a restitution order, see 18 Pa.C.S. § [106] 1106(c)(2)(iii).

Official Note: Rule 30 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 140 and amended March 1, 2000, effective April 1, 2001; Comment revised March 26, 2004, effective July 1, 2004; **amended 2010, effective , 2010.**

Committee Explanatory Reports:

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Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

* * * * *

Report explaining the proposed amendments concerning limitations on punishment for contempt published at 40 Pa.B. 4146 (July 24, 2010).

Rule 141. Appeals from Contempt Adjudications by [**District Justices**] **Magisterial District Judges**, Pittsburgh Magistrates Court Judges, or Philadelphia Traffic Court Judges.

* * * * *

(E) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

* * * * *

(4) any **bench** warrant [**of arrest**].

* * * * *

Comment

This rule provides the procedures for taking an appeal from a finding of contempt by a [**district justice**] **magisterial district judge**, a Pittsburgh Magistrates Court judge, or a Philadelphia Traffic Court judge.

As used in this rule, "issuing authority" refers only to [**district justices**] **magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges when acting within the scope of their contempt powers. See 42 Pa.C.S. §§ 4137, 4138, and 4139.

By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the Pittsburgh Magistrates Court to the Pittsburgh Municipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is retained in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.

As the Pennsylvania Supreme Court stated in *Commonwealth v. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008), legislative limitations on a court's power to sentence for contempt are unconstitutional. To the extent that 42 Pa.C.S. §§ 4137(c), 4138(c), and

4139(c) provide such limitations, they are suspended by Rule 1101 (Suspension of Acts of Assembly).

* * * * *

See 42 Pa.C.S. § 4137(e) concerning the imposition of bail as a condition of release by a [**district justice**] **magisterial district judge**.

* * * * *

Official Note: Rule 31 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 141 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; **amended , 2010 effective , 2010.**

Committee Explanatory Reports:

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Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

* * * * *

Report explaining the proposed amendments regarding limitations on punishment for contempt published at 40 Pa.B. 4146 (July 24, 2010).

Rule 142. Procedures Governing Defaults in Payment of Fine Imposed as Punishment for Contempt.

(A) If a contemnor defaults on the payment of a fine imposed as punishment for contempt pursuant to [**42 Pa.C.S. §§ 4137(c), 4138(c), or 4139(c)**] **Rule 140(A)(1) and (B)(3)**, the issuing authority shall notify the contemnor in person or by first class mail that within 10 days of the date on the default notice the contemnor must either:

(1) pay the amount due as ordered, or

(2) appear before the issuing authority to explain why the contemnor should not be imprisoned for nonpayment as provided by law,

or a **bench** warrant for the contemnor's arrest shall be issued.

* * * * *

Comment

This rule provides the procedures governing defaults in the payment of fines imposed as punishment for contempt in proceedings before [**district justices**] **magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges. See [**42 Pa.C.S. §§ 4137(c), 4138(c), or 4139(c)**] **Rule 140(A)(1) and (B)(3)**.

As used in this rule, "issuing authority" refers only to [**district justices**] **magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges when acting within the scope of their contempt powers. See 42 Pa.C.S. §§ 4137, 4138, and 4139.

By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the

Pittsburgh Magistrates Court to the Pittsburgh Municipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is retained in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.

For contempt procedures generally, see Rule 140.

As the Pennsylvania Supreme Court stated in *Commonwealth v. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008), legislative limitations on a court's power to sentence for contempt are unconstitutional. To the extent that 42 Pa.C.S. §§ 4137(c), 4138(c), and 4139(c) provide such limitations, they are suspended by Rule 1101 (Suspension of Acts of Assembly).

When a contemnor defaults on a payment of a fine, paragraph (A) requires the issuing authority to notify the contemnor of the default, and to provide the contemnor with an opportunity to either pay the amount due or appear within a 10-day period to explain why the contemnor should not be imprisoned for nonpayment. If the contemnor fails to pay or appear, the issuing authority must issue a **bench** warrant for the arrest of the contemnor.

* * * * *

Official Note: Rule 32 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 142 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; **amended** , 2010 **effective** , 2010.

Committee Explanatory Reports:

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Report explaining the proposed rule changes regarding limitations on punishment for contempt published at 40 Pa.B. 4146 (July 24, 2010).

CHAPTER 11. ABOLITIONS AND SUSPENSIONS

Rule 1101. Suspension of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly:

* * * * *

(8) The Act of June 15, 1994, P. L. 273, No. 45, § 1, 42 Pa.C.S. §§ 4137, 4138, and 4139, that provides, *inter alia*, limitations on the punishment that may be imposed for contempt is suspended only insofar as the Act is inconsistent with the punishment limitations set forth in Rule 140. See *Commonwealth v. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008) (legislative limitations on a court's power to sentence for contempt is unconstitutional).

Comment

This rule is derived from former Rules 39, 159, 340, 1415, and 2020, the rules previously providing for the suspension of legislation.

Official Note: Former Rule 39 adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 159 adopted September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; amended April 10, 1989, effective July 1, 1989; amended January 31, 1991, effective July 1, 1991; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule

1101. Former Rule 340 combined previous Rules 321 and 322, which were the prior suspension rules, and was adopted June 29, 1977, effective September 1, 1977; amended April 24, 1981, effective June 1, 1981; amended January 28, 1983, effective July 1, 1983; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 1415 adopted July 23, 1973, effective 90 days hence; paragraph (g) added March 21, 1975, effective March 31, 1975; amended August 14, 1995, effective January 1, 1996; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 2020 adopted September 3, 1993, effective January 1, 1994; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. New Rule 1101 adopted March 1, 2000, effective April 1, 2001; **amended** , 2010 **effective** , 2010.

Committee Explanatory Reports:

FORMER RULE 39:

Final Report explaining the provisions of new Rule 39 published with the Court's Order at 27 Pa.B. [5401] 5405 (October 18, 1997).

FORMER RULE 159:

Report explaining the January 31, 1991 amendments to former Rule 159 published at 20 Pa.B. [4788] 4793 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

* * * * *

FORMER RULE 2020:

Report explaining the provisions of former Rule 2020 published at 21 Pa.B. [3681] 3684 (August 17, 1991).

NEW RULE 1101:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 1101 published at 30 Pa.B. [1477] 1478 (March 18, 2000).

Report explaining the proposed rule changes regarding the suspension of portions of 42 Pa.C.S. §§ 4137, 4138, and 4139, published at 40 Pa.B. 4146 (July 24, 2010).

REPORT

Proposed Amendments to Pa.Rs.Crim.P. 140, 141, 142, and 1101

Punishment for Contempt

On December 18, 2008, the Court issued the opinion in *Commonwealth v. McMullen*, 961 A.2d 842 (Pa. 2008), which held, *inter alia*, that the Legislature may not "create a form of indirect criminal contempt and restrict the court's ability to punish individuals who commit contempt of court," and therefore 42 Pa.C.S. § 4136(b), which provides that the punishment for the indirect criminal contempt addressed in the statute is limited to a fine not exceeding \$100 or imprisonment not exceeding 15 days and that the defendant is entitled to a jury trial, "unconstitutionally restricts the court's ability to punish for contempt." This case was brought to the Committee's attention because, although it addresses only the provisions of 42 Pa.C.S. § 4136(b) (indirect criminal contempt), 42 Pa.C.S. § 4137(c) also mandates the sentence that may be imposed for contempt before magisterial district judges.

Rules of Criminal Procedure 140 (Contempt Proceedings Before District Justices, Pittsburgh Magistrate Court Judges, and Philadelphia Traffic Court Judges.), 141 (Appeals from Contempt Adjudications by District Justices, Pittsburgh Magistrate Court Judges, and Philadel-

phia Traffic Court Judges.), 142 (Procedures Governing Defaults in Payment of Fine Imposed as Punishment for Contempt), that were adopted in 1997, implement 42 Pa.C.S. § 4137 providing the procedures for instituting the contempt proceedings, *etc.*, but do not address the punishment provisions in 42 Pa.C.S. § 4137(c).¹ The rules also reference 42 Pa.C.S. §§ 4138 and 4139, defining similar contempt powers for the Pittsburgh Magistrate's Court and Philadelphia Traffic Court, respectively.

The Committee studied the *McMullen* opinion and the statutes, as well as the history of Rules 140-142, and concluded that the holding in *McMullen* also applied to the statutory limitations imposed on the minor judiciary and therefore, the statutory limitations were unconstitutional. Although concluding the statutes are unconstitutional in so far as they set limitations on punishment, from the Committee's review of the statutory provisions, [also believed] the members concluded the statutory punishments are reasonable. The members also concluded that there should be some reasonable parameters for the exercise of the contempt power by the minor courts spelled out in the Criminal Rules, and agreed to incorporate the statutory punishments.

Rule 140 is the general rule for contempt procedures in the magisterial district courts, the Pittsburgh Magistrate's Court, and the Philadelphia Traffic Court. Rule 140 breaks the procedures down into two contempt categories, contempt committed in the presence of the court and contempt occurring outside of the presence of the court. Each contempt category and associated procedures are described separately. The Committee agreed the statutory punishment limitations would go in Rule 140. Thus, the statutory punishment limitations for contempt before the court would be enumerated in current paragraph (A)(1). The statutory punishment limitations for contempt occurring outside of the presence of the court would be enumerated in a new paragraph (B)(3).

One of the punishment limitations in 42 Pa.C.S. § 4137 applies to a violation of an order issued pursuant to 23 Pa.C.S. § 6110, the portion of the Protection from Abuse Act authorizing emergency protection from abuse orders to be issued by the minor judiciary. The Committee concluded that protection from abuse proceedings are unique and that any limitations on the rare circumstance under which the minor judiciary would adjudicate contempt under this statute are not appropriately addressed in a general Rule of Criminal Procedure. Therefore, the proposed amendments to Rule 140 would delete from paragraph (B)(2) the reference to 23 Pa.C.S. § 6110 and expand the existing Comment language that states "It is not intended to supplant the procedures set forth in 23 Pa.C.S. § 6113 concerning violations of protection from abuse orders" to include the entire Protection from Abuse Act, 23 Pa.C.S. § 6110 *et seq.*

Rule 140 presently contains one category of contempt for which the statutes do not provide any limitation on punishment. That category is described as a failure to "comply with an order of an issuing authority in any case in which the issuing authority is by statute given the power to find the person in contempt." The Committee noted that the only example of such a statute not covered by the existing punishment provisions was found in 42 Pa.C.S. § 1523 which, in summary cases before a magisterial district judge in which the defendant is a juvenile, permits the magisterial district judge to issue an order directing the parent or guardian of the juvenile to appear

at the summary hearing. Observing that a failure to obey the order to appear is the same as failing to obey a subpoena, the Committee agreed that this specific instance would be addressed by adding to the Rule 140 Comment that the rule's use of the phrase "failed to obey a subpoena issued by the issuing authority" included any other lawful process ordering the person to appear before an issuing authority.

Another revision to the Rule 140 Comment would be an explanation regarding the status of the Pittsburgh Magistrate's Court. Currently, the Pittsburgh Magistrate's Court is no longer staffed and its function has been taken over by the Pittsburgh Municipal Court that is staffed by magisterial district judges. However, since the Magistrate's Court has never been disestablished and theoretically could be re-staffed, the terminology is retained in the rules with an explanation in the Comments to Rules 140, 141, and 142.

Rule 141 provides procedures for appeal from contempt findings in the minor courts, and does not address any matters related to punishment limitations. There is a cross-reference to the statutes contained in the Rule 141 Comment but that refers primarily to stay provisions that already have been suspended. Therefore, only a general cross-reference to the suspension of the punishment limitations in Rule 1101 would be added to the Comment.

Rule 142 provides procedures for the handling of defaults in payment of fines imposed for contempt. The Rule 142 Comment currently cross-references the punishment provisions of the statutes. Conforming to the other changes, that cross-reference would be changed to refer to punishment provisions that would be added to Rule 140.

Finally, an amendment describing the suspensions of the statutory provisions, which would be limited solely to the punishment provisions of 42 Pa.C.S. § 4137(c), would be added to Rule 1101.

[Pa.B. Doc. No. 10-1318. Filed for public inspection July 23, 2010, 9:00 a.m.]

[234 PA. CODE CH. 9]

Proposed Amendments to Pa.Rs.Crim.P. 907, 908 and 909, and the Revision of the Comment to Pa.R.Crim.P. 910

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules of Criminal Procedure 907—909 (relating to disposition without hearing; hearing; and procedures for petitions in death penalty cases: stays of execution of sentence; hearing; disposition), and approve the revision of the Comment to Rule of Criminal Procedure 910 (relating to appeal). The proposed changes clarify that a new notice of appeal has to be filed within 30 days of the order reinstating the direct appeal rights *nunc pro tunc*. The proposed changes also clarify the requirements for issuing and filing orders following a PCRA disposition. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the Rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

¹ At the time, the Committee believed that the scope of the punishment was substantive and therefore not subject for the Court's rule-making authority, and did not question the constitutionality of the punishment provisions of the statutes.

We request that interested persons submit suggestions, comments or objections concerning this proposal in writing to the Committee through counsel:

Anne T. Panfil, Counsel
 Supreme Court of Pennsylvania
 Criminal Procedural Rules Committee
 Pennsylvania Judicial Center
 601 Commonwealth Avenue, Suite 6200
 P. O. Box 62635
 Harrisburg, PA 17106-2635

fax: (717) 231-9521
 e-mail: criminalrules@pacourts.us

no later than Friday, September 17, 2010.

By the Criminal Procedural Rules Committee

RISA VETRI FERMAN,
 Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 9. POST-CONVICTION COLLATERAL PROCEEDINGS

Rule 907. Disposition Without Hearing.

Except as provided in Rule 909 for death penalty cases,

* * * * *

(4) When the petition is dismissed without a hearing, the judge **promptly** shall issue an order to that effect and shall advise the defendant by certified mail, return receipt requested, of the right to appeal from the final order disposing of the petition and of the time **limits** within which the appeal must be [**taken**] **filed**. **The order shall be filed and served as provided in Rule 114.**

(5) **When the petition is granted without a hearing, the judge promptly shall issue an order granting a specific form of relief, and issue any supplementary orders appropriate to the proper disposition of the case. The order shall be filed and served as provided in Rule 114.**

Comment

* * * * *

Second or subsequent petitions will not be entertained unless a strong *prima facie* showing is offered to demonstrate that a miscarriage of justice may have occurred. *See Commonwealth v. Szuchon*, 534 Pa. 483, 486, 633 A.2d 1098, 1099 ([Pa.] 1993) (citing *Commonwealth v. Lawson*, 519 Pa. 504, 549 A.2d 107 ([Pa.] 1988)). This standard is met if the petitioner can demonstrate either: (1) that the proceedings resulting in the petitioner's conviction were so unfair that a miscarriage of justice occurred which no civilized society can tolerate; or (2) that the petitioner is innocent of the crimes charged. *See Commonwealth v. Szuchon*, 534 Pa. 483, 487, 633 A.2d 1098, 1100 ([Pa.] 1993).

When the disposition granting a petition reinstates a defendant's direct appeal rights *nunc pro tunc*, the judge must advise the defendant by certified mail, return receipt requested that a new notice of appeal must be filed within 30 days of the order.

The clerk of courts must comply with the notice and docketing requirements of Rule 114 with regard to any orders entered pursuant to this rule.

* * * * *

Official Note: Previous Rule 1507 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; amended January 28, 1983, effective July 1, 1983; rescinded February 1, 1989, effective July 1, 1989, and not replaced. Present Rule 1507 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 907 and amended March 1, 2000, effective April 1, 2001; Comment revised September 18, 2008, effective February 1, 2009; **amended** , **2010, effective** , **2010.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. [5428] 5431 (October 4, 2008).

Report explaining the proposed amendments to paragraph (4) and the addition of paragraph (5) concerning orders and the proposed revision of the Comment concerning appeals nunc pro tunc published at 40 Pa.B. 4149 (July 24, 2010).

Rule 908. Hearing.

* * * * *

(D) Upon the conclusion of the hearing the judge shall[]:

(1) [] determine all material issues raised by the defendant's petition and the Commonwealth's answer, or by the Commonwealth's motion to dismiss, if any[] ;

[(2)] (1) **If the judge dismisses the petition, the judge promptly shall issue an order denying relief [or]. The order shall be filed and served as provided in Rule 114.**

(2) **If the judge grants the petition, the judge promptly shall issue an order granting a specific form of relief, and issue any supplementary orders appropriate to the proper disposition of the case. The order shall be filed and served as provided in Rule 114.**

(E) If the judge disposes of the case in open court **in the presence of the defendant** at the conclusion of the hearing, the judge shall advise the defendant on the record of the right to appeal from the final order disposing of the petition and of the time within which the appeal must be taken. If the case is taken under advisement, **or when the defendant is not present in open court**, the judge, by certified mail, return receipt requested, shall advise the defendant of the right to appeal **from the final order disposing of the petition and of the time limits within which the appeal must be filed.**

Comment

* * * * *

The 1997 amendment to paragraph (A)(1) requires a hearing on every Commonwealth motion to dismiss due to delay in the filing of a PCRA petition. *See* 42 Pa.C.S. § 9543(b), as amended in 1995.

When the disposition reinstates a defendant's direct appeal rights *nunc pro tunc*, the judge, pursuant to paragraph (E), also must advise the defendant that a new notice of appeal must be filed within 30 days of the order reinstating the direct appeal rights.

The clerk of courts must comply with the notice and docketing requirements of Rule 114 with regard to any orders entered pursuant to this rule.

* * * * *

Official Note: Rule 1508 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 908 and amended March 1, 2000, effective April 1, 2001; Comment revised September 18, 2008, effective February 1, 2009; **amended , 2010, effective 2010.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the [September] September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. [5428] 5431 (October 4, 2008).

Report explaining the proposed amendments to paragraphs (D) and (E) concerning orders and notice to the defendant, and the proposed revision of the Comment concerning appeals nunc pro tunc published at 40 Pa.B. 4149 (July 24, 2010).

Rule 909. Procedures for Petitions in Death Penalty Cases: Stays of Execution of Sentence; Hearing; Disposition.

* * * * *

(B) Hearing; Disposition

* * * * *

(2) If the judge is satisfied from this review that there are no genuine issues concerning any material fact, the defendant is not entitled to post-conviction collateral relief, and no legitimate purpose would be served by any further proceedings,

* * * * *

(c) No later than 90 days from the date of the notice, or from the date of the defendant's response, the judge shall issue an order:

(i) [dismiss] dismissing the petition [and issue an order to that effect];

(ii) [grant] granting the defendant leave to file an amended petition; or

(iii) [order] ordering that an evidentiary hearing be held on a date certain.

The order shall be filed and served as provided in Rule 114.

* * * * *

Comment

* * * * *

When the disposition reinstates a defendant's direct appeal rights *nunc pro tunc*, the judge must

advise the defendant either in person or by certified mail, return receipt requested that a new notice of appeal must be filed within 30 days of the order.

The clerk of courts must comply with the notice and docketing requirements of Rule 114 with regard to any orders entered pursuant to this rule.

Official Note: Previous Rule 1509 adopted February 1, 1989, effective July 1, 1989; renumbered Rule 1510 August 11, 1997, effective immediately. Present Rule 1509 adopted August 11, 1997, effective immediately; amended July 23, 1999, effective September 1, 1999; renumbered Rule 909 and amended March 1, 2000, effective April 1, 2001; amended February 12, 2002, effective July 1, 2002, 32 Pa.B. 1173; amended October 7, 2005, effective February 1, 2006; **amended , 2010, effective , 2010.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments to paragraph (2)(c) concerning orders and the revision of the Comment concerning appeals nunc pro tunc published at 40 Pa.B. 4149 (July 24, 2010).

Rule 910. Appeal.

* * * * *

Comment

Disposition without a hearing under Rule 907(A) and (B), or under Rule 909(C)(3)(a), constitutes a final order under this rule. A partial disposition under Rule 907(C) is not a final order until the judge has fully disposed of all claims.

When the disposition reinstates a defendant's direct appeal rights *nunc pro tunc*, a new notice of appeal must be filed within 30 days of the order.

Official Note: Previously Rule 1509, adopted February 1, 1989, effective July 1, 1989; renumbered Rule 1510 and amended August 11, 1997, effective immediately; renumbered Rule 910 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised , 2010, effective , 2010.**

Committee Explanatory Reports:

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Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Report explaining the proposed Comment revision concerning appeal nunc pro tunc published at 40 Pa.B. 4149 (July 24, 2010).

REPORT

Proposed Amendments to Pa.Rs.Crim.P. 907, 908, and 909, and the Revision of the Comment to Pa.R.Crim.P. 910

Time to File Appeal *Nunc Pro Tunc*

I. Introduction

The Committee is planning to propose to the Supreme Court revisions of the Comments to Rules of Criminal Procedure 907 (Disposition Without Hearing), 908 (Hearing), 909 (Procedures for Petitions in Death Penalty Cases: Stays of Execution of Sentence; Hearing; Disposition), and 910 (Appeal) that clarify that a new notice of appeal must be filed within 30 days of the order reinstat-

ing the defendant's direct appeal rights *nunc pro tunc*. The Committee also is proposing amendments to Rules of Criminal Procedure 907, 908, and 909 that clarify the procedures for the issuing and filing of orders in PCRA dispositions.

The Appellate Court Procedural Rules Committee noted from case law and anecdotal information from its members that apparently there is confusion about the procedures for proceeding with a direct appeal *nunc pro tunc*. Specifically, some defendants do not understand that they must file a new notice of appeal and that the time for filing is within 30 days of the order reinstating the direct appeal right. The Appellate Court Rules Committee asked the Criminal Procedural Rules Committee to consider clarifying this issue in the Criminal Rules when the reinstatement of appellate rights occurs in procedures under the Post Conviction Relief Act (PCRA).

The Committee reviewed the rules in Chapter 9 (Post-Conviction Collateral Relief Proceedings), noting that Rules 907, 908, and 909 require the judge to advise the defendant of his or her appeal rights following the disposition the PCRA petition. The members initially thought the rules already provide adequate notice even for the reinstated appeal case following the granting of a PCRA petition. After further consideration, because there is confusion in practice, the members agreed something should be said in the rules. However, because this clarification would be how to handle a particular type of case—appeals *nunc pro tunc*—that already is covered generally in the rule requirements that the judge advise the defendant of his or her right to appeal, the clarification should be in the Comments to the rules. Accordingly, the Comments to Rules 907, 908, and 909 would be revised to emphasize that, when appellate rights have been reinstated, the PCRA judge must advise the defendant that a new notice of appeal is required to be filed within 30 days of the order reinstating the direct appeal rights *nunc pro tunc*. In addition, because Rule 910 addresses appeals following a PCRA disposition, a comparable provision would be added to the Rule 910 Comment.

During the Committee's examination of Rules 907, 908, and 909, several members opined that the provisions concerning the issuing of orders following the disposition of a petition are incomplete because the rules do not explicitly require an order when the petition is granted nor do the rules require the orders be filed. The Committee agreed the rules should be amended to clarify the procedures governing the issuing and filing of orders in PCRA cases to ensure there is no confusion about these procedures.

II. Discussion of Proposed Rule Changes

Rule 907

Rule 907 sets forth the procedures for the disposition of a PCRA petition without a hearing. Paragraph (4) requires a judge to issue an order when the petition is dismissed. The Committee is proposing the paragraph be amended to include the requirement that the judge act promptly and that the order be filed and served as provided in Rule 114. A new paragraph (5) would be added to set forth the procedures when a petition is granted. This new paragraph conforms with the provisions in Rule 908(D)(2) with regard to issuing supplementary orders appropriate to the disposition of the cases.

The Comment includes the new language emphasizing the judge's responsibility to advise the defendant to file a new notice of appeal when the disposition is the reinstatement of the defendant's appellate rights and that the

notice of appeal must be filed within 30 days of the order reinstating the appellate rights. Similar language is being included in the Comments to Rules 908 and 909.

In addition, an explanatory paragraph is added concerning the obligation of the clerk of courts to comply with the requirements for Rule 114 comparable to the paragraph in the Rule 909 Comment.

Rule 908

Rule 908 sets forth the procedures for the hearing on a PCRA petition. Paragraph (D) addresses what is to occur at the conclusion of the hearing. The Committee is proposing that the paragraph be restructured and amended to more clearly enumerate the judge's responsibilities at the conclusion of the hearing. Current paragraph (D)(1) would be moved into paragraph (D) to read:

Upon the conclusion of the hearing, the judge shall determine all material issues raised by the defendant's petition and the Commonwealth's answer, or by the Commonwealth's motion to dismiss, if any.

Current paragraph (D)(2) would be reorganized into two subparagraphs. New paragraph (D)(1) would provide the procedures when the judge dismisses the petition and new paragraph (D)(2) would provide the procedures when the judge grants the petition. In both situations, the judge is required to act promptly and the order must be filed and served as provided in Rule 114.

The Committee also is proposing some clarifying amendments to paragraph (E). Paragraph (E) permits the judge to announce the decision in open court or to take the matter under advisement. The proposed amendments emphasize the difference in the method of providing notice to the defendant of the appellate rights (1) when the decision is announced in open court with the defendant present and (2) when the defendant is not present, or when the matter is taken under advisement.

Rule 909

Rule 909 governs procedures specifically related to death penalty cases. Paragraph (B)(2)(c) sets forth the actions the judge must take following giving notice of an intention to dismiss the petition. The Committee is proposing a few housekeeping amendments and the addition of the requirement that the judge's order be filed and served as provided in Rule 114.

Rule 910

Rule 910 provides that the orders under the PCRA rules granting, denying, dismissing, or otherwise finally disposing of the PCRA petition is a final order for purposes of appeal. The only change being proposed for Rule 910 is the addition to the Comment of the provision clarifying that when the disposition is the reinstatement of the defendant's appellate rights, the new notice of appeal must be filed within 30 days of the order.

[Pa.B. Doc. No. 10-1319. Filed for public inspection July 23, 2010, 9:00 a.m.]

[234 PA. CODE CH. 10]

Proposed Amendments to Pa.R.Crim.P. 1010

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule of Criminal Procedure 1010 (relating to procedure on appeal) to conform the procedures for appeals for trials *de novo* in cases in Philadelphia with

the Statewide procedures for appeals for trials *de novo*. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to Rule 1010 precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments or objections concerning this proposal in writing to the Committee through counsel:

Anne T. Panfil, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635

fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

no later than Friday, September 17, 2010.

By the Criminal Procedural Rules Committee

RISA VETRI FERMAN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT

PART A. Philadelphia Municipal Court Procedures Rule 1010. Procedure on Appeal.

[(A) The attorney for the Commonwealth, upon receiving the notice of appeal, shall prepare an information and the matter shall thereafter be treated in the same manner as any other court case.

(B) If the defendant fails to appear for the trial *de novo*, the Common Pleas Court judge may dismiss the appeal and enter judgment in the Court of Common Pleas on the judgment of the Municipal Court judge.

(C) If the defendant withdraws the appeal, the Common Pleas Court judge shall enter judgment in the Court of Common Pleas on the judgment of the Municipal Court judge.]

(A) When a defendant appeals after conviction by a Municipal Court judge:

(1) in a non-traffic summary case, upon the filing of the transcript and other papers, the case shall be heard *de novo* by the judge of the Court of Common Pleas sitting without a jury; or

(2) in a Municipal Court case, the attorney for the Commonwealth, upon receiving the notice of appeal, shall prepare an information and the matter shall thereafter be treated in the same manner as any other court case.

(B) If the defendant fails to appear, the Common Pleas Court judge may dismiss the appeal and thereafter shall enter judgment in the Court of Common Pleas on the judgment of the Municipal Court judge.

(C) Withdrawals of Appeals:

(1) if the defendant withdraws the appeal, the Common Pleas Court judge shall enter the judgment in the Court of Common Pleas on the judgment of the Municipal Court judge.

(2) in a Municipal Court case, the defendant may withdraw the appeal only with the written consent of the attorney for the Commonwealth.

(D) The verdict and sentence, if any, shall be announced in open court immediately upon the conclusion of the trial.

(E) At the time of sentencing, the Common Pleas Court judge shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state the date on which payment is due. If the defendant is without the financial means to pay the amount in a single remittance, the Common Pleas Court judge may provide for installment payments and shall state the date on which each installment is due;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the Common Pleas Court judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the Common Pleas Court judge. The order shall include the information specified in paragraphs (E)(1) through (E)(3), and a copy of the order shall be given to the defendant.

(F) After sentence is imposed by the Common Pleas Court judge, the case shall remain in the Court of Common Pleas for the execution of sentence, including for the collection of any fine and restitution, for the collection of any costs, and for proceedings for violation of probation, intermediate punishment, or parole pursuant to Rule 708.

Comment

In any case in which there are summary offenses joined with the misdemeanor charges that are the subject of the appeal, the attorney for the Commonwealth must include the summary offenses in the information. *See Commonwealth v. Speller*, 311 Pa. Super. 569, 458 A.2d 198 (1983).

See Rule 1001(A) for the definition of "Municipal Court case."

Paragraph (B) makes it clear that the Common Pleas Court judge may dismiss an appeal when the judge determines that the defendant is absent without cause from the trial *de novo*. If the appeal is dismissed, the Common Pleas Court judge should enter judgment and order execution of any sentence imposed by the Municipal Court judge.

Once sentence is imposed, paragraph (F) makes it clear that the case is to remain in the Court of

Common Pleas for execution of the sentence and collection of any costs, and the case may not be returned to the Municipal Court judge. The execution of sentence includes the collection of any fines and restitution and any proceedings for violation of probation, intermediate punishment, or parole as provided by Rule 708.

Official Note: Rule 6010 adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; amended August 28, 1998, effective immediately; renumbered Rule 1010 March 1, 2000, effective April 1, 2001; Comment revised March 9, 2006, effective September 1, 2006; amended February 12, 2010, effective April 1, 2010; **amended** , 2010, **effective** , 2010.

Committee Explanatory Reports:

Final Report explaining the August 28, 1998 amendment published with the Court's Order at 28 Pa.B. [4625] 4627 (September 12, 1998).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the March [3] 9, 2006 **Comment revision concerning joinder of summary offenses with misdemeanor charges published with the Court's Order at 36 Pa.B. [1385] 1392** (March 25, 2006).

Final Report explaining the February 12, 2010 amendments to paragraph (B) concerning the disposition of summary offenses at the court of common pleas published with the Court's Order at 40 Pa.B. [1068] 1071 (February 27, 2010).

Report explaining the proposed amendments concerning failure to appear for and withdrawal of appeals published at 40 Pa.B. 4152 (July 24, 2010).

REPORT

Proposed Amendments to Pa.R.Crim.P. 1010

Appeals for Trial De Novo in Philadelphia

I. Introduction

The Committee is planning to propose to the Supreme Court amendments to Rule of Criminal Procedure 1010 (Procedure for Appeals) that would conform the procedures for appeals for trials *de novo* in Philadelphia to the statewide procedures for appeals for trials *de novo*. The Committee undertook a review of the procedures for trials *de novo* in Philadelphia after receiving communications from the legal staff of the Administrative Office of Pennsylvania Courts (AOPC) suggesting that, because there are no rules setting forth the procedures for appealing for a trial *de novo* from Philadelphia Municipal Court to the Philadelphia Common Pleas Court, there is little uniformity in how these appeals for a trial *de novo* are handled.

The Municipal Court handles both non-traffic summary cases and all misdemeanor cases. Appeals from the disposition of the non-traffic summary and misdemeanor cases in the Municipal Court are to the Court of Common Pleas for a trial *de novo*.¹ Rule 1010 (Procedure on Appeal) only addresses the filing of an information by the Commonwealth after receiving the notice of appeal. The procedures for conducting appeals for trials *de novo* in the other judicial districts are limited to appeals from both

traffic and non-traffic summary cases and are governed by Rule 462 (Trial *De Novo*).²

The Committee reviewed the statewide procedures for the trial *de novo* set forth in Rule 462, and agreed, for the most part, these procedures should be adapted to govern the trial *de novo* in Philadelphia. The members recognized that some of the statewide procedures would have to be modified for the appeals in misdemeanor cases. For example, Rule 1010 already requires that an information be filed after a notice of appeal is filed in a misdemeanor case, and this requirement has been incorporated into the proposed amendments. Unless specifically provided otherwise in the Rule 1010, the procedures are the same for the non-summary traffic appeals and the appeals in misdemeanor cases.

II. Discussion of Proposed Rule 1010 Amendments

Paragraph (A)(1) is identical to Rule 462(A) and provides that, in non-traffic summary cases, the case is to be heard *de novo* by a common pleas court judge sitting without a jury. Paragraph (A)(2) addresses misdemeanor cases, and incorporates the current language from Rule 1010 requiring the preparation of the information by the attorney for the Commonwealth. In addition, the case is to be treated in the same manner as any other court case.

Paragraph (B) is identical to Rule 462(D) and permits the Common Pleas Court judge to dismiss the appeal if the defendant fails to appear for the trial *de novo*. The Comment explains that the judge may dismiss the appeal if the judge determines that the defendant is absent without cause. If the judge does dismiss the appeal in this circumstance, the rule requires the judge to enter judgment in the Court of Common Pleas on the judgment of the Municipal Court judge.

Paragraph (C)(1) is identical to Rule 462(E) permitting the withdraw of an appeal in a non-traffic summary case, and requiring the Common Pleas Court judge to enter judgment in the Common Pleas Court on the judgment of the Municipal Court judge. Paragraph (C)(2) permits a defendant to withdraw an appeal in a misdemeanor case, but only with the written consent of the attorney for the Commonwealth. The Committee added this requirement because, for example, in the misdemeanor cases, the attorney for the Commonwealth will have to move the court to *nolle prosequi* the informations.

Paragraph (D) is taken from Rule 462(F). The paragraph requires the Common Pleas Court judge at the conclusion of the trial to announce the verdict and sentence, if any, in open court.

Paragraph (E) is identical to Rule 462(G). The paragraph sets forth the Common Pleas Court judge's responsibilities at the time of sentencing, including issuing a written order imposing the sentence. The judge also must state the date on which payment of any fines, costs, and restitution must be paid, and may provide for payment in installment. Finally, the judge is required to advise the defendant of his or her appeal rights.

Paragraph (F) incorporates the provisions of Rule 462(H) requiring the case to remain in the Common Pleas Court for the execution of sentence. In addition, to accommodate the misdemeanor cases, paragraph (F) provides that the case would remain in Common Pleas Court for any proceedings for violation of probation, intermediate punishment, or parole pursuant to Rule 708.

[Pa.B. Doc. No. 10-1320. Filed for public inspection July 23, 2010, 9:00 a.m.]

¹ Pursuant to Article V, Section 26 of the Constitution, the parties may petition for a writ of certiorari (only in misdemeanor cases) or may appeal for a trial *de novo*.

² In Philadelphia, the procedures for appeals in traffic summary cases are governed by Rule 1037.

Title 255—LOCAL COURT RULES

MERCER COUNTY

Public Access Policy; Official Case Records of the Magisterial District Courts; No. 2010-2504

Order

And Now, this 29th day of June, 2010, in accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), and pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts*, adopted by the Pennsylvania Supreme Court effective July 1, 2010, the Court Hereby Approves, Adopts and Promulgates Mercer County Administrative Order 4 A.D. 2010, effective thirty (30) days after the date of publication of this Order in the *Pennsylvania Bulletin*, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure. This Order shall be utilized to ensure a policy is in place to govern public access to the records of the Magisterial District Courts of the Thirty-fifth Judicial District.

It is also *Ordered and Directed* that the Court Administrator of Mercer County shall file seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies and one (1) diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy with the Minor Court Procedural Rules Committee.

It is further *Ordered and Directed* that Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the Local Rules.

A copy of this Administrative Order shall be published in the *Mercer County Law Journal*.

By the Court

FRANCIS J. FORNELLI,
President Judge

IN THE COURT OF COMMON PLEAS OF MERCER
COUNTY, THIRTY-FIFTH JUDICIAL DISTRICT OF
PENNSYLVANIA

ADMINISTRATIVE ORDER # 4 2010

Public Access Policy; Official Case Records of the
Magisterial District Courts of Mercer County

1. Public Access Request.

(a) Verbal requests for records are to be filled within 48 hours.

(b) Information subject to a sealing order, restricted by law or court rule, and the courts notes, drafts and work product are not accessible to the public.

(c) Magisterial District Courts have the discretion to require that a "complex or voluminous" request be submitted in writing on a form supplied by the Administrative Office of Pennsylvania Courts. Exactly what is "complex or voluminous" may vary from court to court depending on factors such as court resources and case load.

(d) All denials for record requests must be issued in writing and the requestor, within 15 business days of notification of the decision, can appeal such denial to the Mercer County Court of Common Pleas.

2. Fee Schedule

(a) Copy per page—\$.25.

(b) Preparing, copying and refilling requested court documents—\$8.00 per 1/4 hour with a minimum of 1/4 hour.

(c) Postage—at cost.

(d) Estimated costs to be prepaid.

(e) Fees paid for services rendered are nonrefundable

[Pa.B. Doc. No. 10-1321. Filed for public inspection July 23, 2010, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Brian Baum having been permanently disbarred on consent from the practice of law in the Southern District of Texas by Order of the United States District Court for the Southern District of Texas dated April 14, 2006, the Supreme Court of Pennsylvania issued an Order on July 8, 2010, disbaring Brian Baum from the Bar of this Commonwealth, effective August 7, 2010. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-1322. Filed for public inspection July 23, 2010, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Ward Shaffer Taggart having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated June 23, 2009, the Supreme Court of Pennsylvania issued an Order on July 8, 2010, disbaring Ward Shaffer Taggart from the Bar of this Commonwealth, effective August 7, 2010. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-1323. Filed for public inspection July 23, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 78]

Oil and Gas Cementing and Casings; Additional Public Hearing

The Environmental Quality Board (Board) has scheduled an additional public hearing for the purpose of accepting comments on the proposed rulemaking to amend Chapter 78 (relating to oil and gas wells) to update cementing and casing standards, published at 40 Pa.B. 3845 (July 10, 2010). The additional public hearing will be held July 26, 2010, at 7 p.m. at the Department of Environmental Protection, Southwest Regional Office, Waterfront Conference Rooms A and B, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

The proposed rulemaking updates existing requirements regarding the drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells, and the protection of water supplies. The proposed rulemaking includes updated material specifications and performance testing and amended design, construction, operational, monitoring, plugging, water supply replacement and gas migration reporting requirements. The additional requirements will minimize gas migration and will provide an increased degree of protection for both public and private water supplies.

The previously-referenced hearing is in addition to four other hearings scheduled by the Board in Tunkhannock on July 19, 2010, Williamsport on July 21, 2010, Meadville on July 22, 2010, and Pittsburgh on July 22, 2010, to receive comments from the public on the proposed rulemaking.

Written Comments

Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board on or before August 9, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board on or before August 9, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

Electronic Comments

Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board on or before August 9, 2010. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Public Hearings

Persons wishing to present testimony at the previously-referenced hearing in Pittsburgh are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in

advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can best accommodate their needs.

Copies of the Proposal

The full text of the proposed rulemaking was published at 40 Pa.B. 3345, and is available at <http://www.pabulletin.com> as well as on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Quick Access: "Public Participation"; then choose "Proposals Open for Comment"). Copies of the proposed rulemaking are also available from the Department of Environmental Protection, Bureau of Oil and Gas, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199, ra-epoilandgas@state.pa.us.

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-1324. Filed for public inspection July 23, 2010, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

License Renewal; Continuing Education

The State Board of Veterinary Medicine (Board) proposes to amend §§ 31.11, 31.13, 31.15, 31.16, 31.40 and 31.41 and to rescind § 31.12 (relating to temporary permits) to read as set forth in Annex A. The proposed rulemaking updates the Board's regulations with regard to original licensure, temporary permits, license renewal and continuing education.

Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 8 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.8) authorizes the Board to determine the educational requirements for licensure. Section 18 of the act (63 P. S. § 485.18) authorizes the Board to approve continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship. Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P. S. § 485.11) authorizes the Board to promulgate regulations regarding the practice of veterinary technicians.

Background and Need for Proposed Rulemaking

Prior to this proposed rulemaking, the American Veterinary Medical Association (AVMA) Educational Commission for Foreign Veterinary Graduates (ECFVG) certification program was the only path by which a graduate of a school of veterinary medicine that was not accredited by the AVMA could obtain licensure in this Commonwealth. Over the past decade, the American Association of Veterinary State Boards (AAVSB) developed the Program for the Assessment of Veterinary Education Equivalence (PAVE) certification program. The AAVSB presented information to the Board regarding the program, which has approved over 400 candidates and is now accepted in 29 jurisdictions states, including New York and Virginia. The Board determined that both the PAVE and ECFVG certification programs assess educational equivalency in the public interest. In 2008, the Board voted to accept applications from individuals certified through PAVE. The Board's proposal now conforms the regulations to the Board's practice.

The Board also proposes to delete references to the National Board Examination and Clinical Competency Test, which have not been used for initial licensure in North America for well over 5 years.

The proposed rulemaking also deletes provisions and fees regarding temporary permits because these provisions are outdated. As described in section 10 of the act (53 P. S. § 485.10), temporary permits were designed to permit graduates of approved schools to practice while awaiting the next administration of the licensing examination and the announcement of scores from the licensing examination. For at least 10 years, veterinary students have been taking the licensing examination prior to graduation from veterinary school. Applicants for licensure by reciprocity can have their licensure applications processed as quickly as they can have an application for a temporary permit processed. Therefore, there is no longer a need for temporary permits.

The proposed rulemaking updates the Board's regulations regarding license renewal by more clearly delineating between licensees who continue to practice while their licenses are lapsed, in violation of the act, and individuals who do not practice while their licenses are lapsed.

The proposed rulemaking also updates the Board's continuing education provisions to recognize the Department of Veterinary and Biomedical Sciences (Department), College of Agricultural Sciences, Pennsylvania State University as a preapproved provider of veterinary medical continuing education. The Department requested approval of its courses on an annual basis for many years and the Board always approved the Department. After reviewing the information provided by the Department, the Board determined that the courses are of consistently high educational quality and advance the knowledge of licensees in the practice of veterinary medicine and should, therefore, be granted preapproved status. Finally, the Board proposes additional requirements on preapproved providers of continuing education consistent with National trends.

The proposed rulemaking requires licensees attending veterinary medical conferences at which multiple continuing education courses are offered to use some method to verify their attendance at individual courses. The large National veterinary medical conferences use a system

whereby the attendees register for particular courses online and schedules are printed. In addition, most of the conferences provide a log sheet for the attendees to write in the names of the courses they attended. One conference provides swipe cards that attendees use when they enter and leave individual courses and a computer-generated log is generated documenting the sessions attended.

The proposed rulemaking also adds a new fee for a duplicate license. Veterinarians are required to display an original license issued by the Board at their practice location. Veterinarians who practice in more than one facility shall obtain a duplicate license from the Board. The Boards and commissions within the Bureau of Professional and Occupational Affairs charge \$5 for a duplicate license; however, the Board never put this fee into its regulatory schedule of fees. To inform licensees of the fee, the Board proposes to add the fee. While certified veterinary technicians are not required to display their original license at their practice locations, certified veterinary technicians or veterinarians may need duplicate licenses if their licenses are lost or destroyed. Therefore, the Board proposes to include the duplicate license fee for both veterinarians and certified veterinary technicians.

Description of Proposed Amendments

The Board proposes to amend § 31.11(b)(1) (relating to application for licensure) to permit applicants who graduated from schools not accredited by the AVMA to demonstrate equivalent education through either the AVMA (ECFVG) or AAVSB (PAVE) equivalency evaluation process.

The Board proposes to amend § 31.11(b)(2) to delete references to the National Board Examination and Clinical Competency Test, examinations that have not been administered in well over 5 years.

The Board proposes to rescind § 31.12 because veterinary students currently take the licensure examination prior to completing veterinary school and applicants for licensure by reciprocity do not need temporary permits because the processing time for a license and a permit is the same.

In addition, the Board proposes to amend § 31.13 (relating to licensure renewal) to require licensees to report disciplinary actions by another state veterinary licensing board or other authority that authorizes a veterinarian to practice. This provision is necessary to ensure that the Board is made aware of disciplinary action by state racing commissions or the United States Department of Agriculture. In addition, the Board proposes to require veterinarians to report criminal convictions to the Board. The Board proposes to amend § 31.13(c) and (d) to more clearly distinguish the requirements and penalties associated with license renewal between licensees who practiced on an expired license in violation of the act and those who ceased practicing upon expiration of their licenses.

The Board proposes to amend §§ 31.16(a) and 31.40(a) (relating to continuing education provider approval), which list those continuing education providers who are preapproved by the Board to offer courses to licensed veterinarians and to certified veterinary technicians, by adding a paragraph to include the Department.

The Board proposes to amend § 31.16(c) to require providers of continuing education to provide attendees with some method to verify their attendance at individual continuing education courses. The large National conferences have already developed some method of documenting attendance at individual courses.

Finally, the Board proposes to amend § 31.41 (relating to schedule of fees) to delete the fee for temporary permits and include the fee for duplicate licenses.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should not have financial impact on licensees, the Board or any other Commonwealth entity. The proposed rulemaking will not have fiscal impact on the public. The proposed rulemaking will permanently relieve the Department from having to apply to the Board for approval of a continuing education course to be offered by them.

The proposed amendment requiring providers of continuing education offering multiple courses to provide a mechanism for tracking individual's attendance at particular courses may cause the providers to incur additional expenses and paperwork. However, the large, National meetings already provide either an online, written or electronic tracking sheet to attendees. Therefore, there should not be fiscal impact or additional paperwork requirements.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 14, 2010, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Michelle Roberts, Board Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us/vet within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ROBIN J. BERNSTEIN, Esq.,
Chairperson

Fiscal Note: 16A-5724. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

LICENSURE

§ 31.11. Application for licensure.

* * * * *

(b) *Original licensure.* As a prerequisite to original licensure as a veterinarian, an applicant shall submit the following documentation to the Board:

(1) Evidence of graduation from an approved school or college of veterinary medicine[. **The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the] or certification of equivalence sent directly from the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or [another program which may subsequently be approved by the American Veterinary Medical Association as proof of graduation from an approved school or college of veterinary medicine] the American Association of Veterinary State Boards, Program for the Assessment of Veterinary Education Equivalence.**

(2) North American Veterinary Licensing Examination (NAVLE) results as furnished through a National examination grade reporting service. [**The Board will accept an applicant's grades from the National Board Examination (NBE) and Clinical Competency Test (CCT) examinations if taken within the last 5 years as furnished through a National examination grade reporting service in lieu of the NAVLE, if the applicant passed these examinations with a score equivalent to or higher than the passing score then prevailing in this Commonwealth.]**

* * * * *

§ 31.12. [Temporary permits] (Reserved).

[(a) *Original licensure.* An applicant for original licensure who desires a temporary permit under section 10 of the act (63 P. S. § 485.10) may be granted a temporary permit to practice veterinary medicine upon graduation from an approved school or college of veterinary medicine, completion of an application form prescribed by the Board and payment of the fee required by § 31.41 (relating to schedule of fees). **The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved school or college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medical Association, Educational Commission**

for Foreign Veterinary Graduates or another program which may subsequently be approved by the American Veterinary Medical Association, as proof of graduation from an approved school or college of veterinary medicine.

(b) *Reciprocal licensure.* An applicant for reciprocal licensure who desires a temporary permit under section 10 of the act may be granted a temporary permit to practice veterinary medicine in this Commonwealth if the applicant completes an application form prescribed by the Board, pays the fee required by § 31.41, and otherwise meets the requirements of subsections (a) and (c) and section 10 of the act.

(c) *Temporary permit holder limitations.* A temporary permit holder shall be associated with a licensed doctor of veterinary medicine, shall limit his work to the practice of the licensed doctor of veterinary medicine and may not participate in any practice or operation of a branch office, clinic or allied establishment. The associating veterinarian shall be responsible for all veterinary activities of the temporary permit holder and shall be accessible to the temporary permit holder either by telephone or personal contact. When contact by telephone or personal contact is not possible as, for example, in the case of vacations or other travel, the associating veterinarian shall delegate the supervisory responsibilities to another licensed veterinarian. The associating veterinarian will continue to assume responsibility for the veterinary activities of the temporary permit holder in his absence. A temporary permit holder shall report to the next scheduled examination of the Board following the issuance of the temporary permit. The temporary permit shall expire on the day following the announcement of the grades of the first examination given after the temporary permit is issued.]

§ 31.13. Licensure renewal.

(a) Licenses expire on November 30 of each even-numbered year, regardless of the date of issuance. Licenses are renewable for a 2-year period beginning December 1 of each even-numbered year. The fee for biennial renewal is as set forth in § 31.41 (relating to schedule of fees). [Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) will be added to the renewal fees of licensees who do not submit their renewal applications by December 1 of the year of expiration of their licenses.] Upon renewing their licenses, licensees will receive a blue 5 × 7 wall certificate and wallet-size license card which show the next expiration date of the license. [These documents are the only evidence of valid, current licensure.]

(b) A licensee who is also licensed to practice veterinary medicine in another state, territory or country shall report this information on the biennial registration form. Disciplinary action taken by the veterinary licensing authority or other authority that authorizes a licensee to the practice of veterinary medicine or that is related to veterinary medicine in [other states, territories or countries] another state, territory, country, or by a Federal authority in the United States, shall be reported to the Board on the biennial registration application or within 90 days of final disposi-

tion, whichever is sooner. Criminal convictions shall be reported to the Board on the biennial registration application or within 90 days of sentencing, including acceptance into an Accelerated Rehabilitative Disposition program, whichever is sooner.

(c) Licensed veterinarians who fail to renew their license shall cease from the practice of veterinary medicine in this Commonwealth on the last day of November of the renewal year. [Failure to do so] A licensee who continues to practice on an expired license will [result in] be subject to disciplinary action by the Board [under section 9(a) of the act (63 P.S. § 485.9(a))]. Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) will be added to the renewal fee of a licensee who practiced on an expired license. The licensee will be required to pay the current biennial renewal fee as set forth in § 31.41 (relating to fees) and the fees that would have been paid had the license been maintained in good standing. The licensee will be required to submit continuing education certificates of attendance for the current and any past biennial renewal periods during which the licensee practiced on an expired license.

(d) A holder of an expired license to practice veterinary medicine who did not practice veterinary medicine in this Commonwealth while the licensee's license was expired may reactivate and renew the license [within 5 years from the date of its expiration,] upon application to and approval of the Board and upon payment of the current biennial renewal fee as set forth in § 31.41 [and the payment of the fees that would have been paid if the license had been maintained in good standing] and documentation that the licensee has complied with § 31.15 (related to continuing education). The application for renewal shall also be accompanied by [certificates of attendance at continuing education courses as required by § 31.15 (relating to continuing education) for the current and preceding biennial renewal periods in which the license was expired, and] an Affidavit of Non-Practice, verifying the period of time in which the licensee abstained from the practice of veterinary medicine in this Commonwealth. A licensee will not be assessed a late renewal fee under the Bureau of Professional and Occupational Affairs Fee Act for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.

(e) [A licensee will not be assessed a late renewal fee for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.] The following individuals will be required to apply for a license in accordance with section 9 of the act (63 P.S. § 485.9) if the licensee desires to resume practicing veterinary medicine in this Commonwealth:

(1) A licensee who practiced veterinary medicine in this Commonwealth on an expired Pennsylvania license for more than 5 years.

(2) A veterinarian who practiced veterinary medicine in another jurisdiction on a license issued by that jurisdiction that was expired for more than 5 years.

(3) A veterinarian who did not have an unexpired license in any jurisdiction and did not practice veterinary medicine with a current license in any jurisdiction for more than 5 years.

§ 31.15. Continuing education.

[As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian]

(a) Veterinarians shall complete 30 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. [Continuing education credit will not be given for a course in office management or practice building.]

(b) A maximum of 25% of the hours may be earned by taking individual study or written or computer-based correspondence courses for which third-party verification of satisfactory completion is provided. [The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval).]

(c) Veterinarians shall maintain a list of all continuing education courses attended and certificates of attendance for a minimum of 3 years.

(d) Courses in office management or practice building may not be used to meet the 30-hour continuing education requirement.

§ 31.16. Continuing education provider approval.

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers so long as the programs increase the skills, knowledge and competency of veterinarians in the practice of the profession:

* * * * *

(9) The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University.

* * * * *

(c) Organizations approved under subsections (a) and (b) shall provide certificates of attendance to the veterinarian which includes the name of the provider, the name

of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. If a certificate of attendance covers a program with more than one course, organizations approved under subsections (a) and (b) shall require some method by which attendees verify attendance at individual courses. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

* * * * *

VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES

§ 31.40. Continuing education provider approval.

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers [as] so long as the programs are specifically designed to increase the skills, knowledge and competency of certified veterinary technicians:

* * * * *

(10) The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University.

* * * * *

FEES

§ 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

* * * * *

[Temporary permit.....\$35]

Duplicate license \$5

* * * * *

Veterinary technicians:

* * * * *

Duplicate license \$5

[Pa.B. Doc. No. 10-1325. Filed for public inspection July 23, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 6, 2010.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-1-2010	FR Interim Savings Bank Plymouth Meeting Montgomery County The purpose of FR Interim Savings Bank, Plymouth Meeting, is to facilitate the proposed merger of First Resource Bank, Exton, with and into Continental Bank, Plymouth Meeting.	Filed

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-1-2010	<i>From:</i> First Keystone National Bank Berwick Columbia County <i>To:</i> First Keystone Bank and Trust Company Berwick Columbia County Application for approval to convert from a national banking association to a Pennsylvania state-chartered bank and trust company.	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-1-2010	Continental Bank Holdings, Inc. Plymouth Meeting Montgomery County Application for approval to acquire 100% of First Resource Bank, Exton.	Filed
7-1-2010	Bryn Mawr Bank Corporation Bryn Mawr Montgomery County Acquisition of 100% of First Keystone Financial, Inc., Media, and indirect acquisition of 100% of First Keystone Bank, Media.	Effective

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-1-2010	First Resource Bank Exton Chester County Application for approval to merge FR Interim Savings Bank, Plymouth Meeting, with and into First Resource Bank, Exton, to facilitate the proposed merger of First Resource Bank, Exton, with and into Continental Bank, Plymouth Meeting.	Filed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-1-2010	Royal Bank America Narberth Montgomery County Application for approval to merge Royal Asian Bank, Philadelphia, with and into Royal Bank America, Narberth.	Filed
7-1-2010	The Bryn Mawr Trust Company Bryn Mawr Montgomery County Merger of First Keystone Bank, Media, with and into The Bryn Mawr Trust Company, Bryn Mawr. As a result of the merger, the following branch offices of First Keystone Bank became branch offices of The Bryn Mawr Trust Company: <div style="display: flex; justify-content: space-between;"> <div> 22 West State Street Media Delaware 3218 Edgmont Avenue Brookhaven Delaware 23 East Fifth Street Chester Delaware 330 Dartmouth Avenue Swarthmore Delaware </div> <div> 5000 Pennell Road Aston Delaware Route 1 and Route 100 Chadds Ford Delaware 31 Baltimore Pike Chester Heights Delaware 106 East Street Road Kennett Square Chester </div> </div>	Effective

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-29-2010	First Commonwealth Bank Indiana Indiana County	345 Court Street Coraopolis Allegheny County (Limited Service Facility)	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-18-2010	Northwest Savings Bank Warren Warren County	<i>To:</i> 730 Main Street Clarion Clarion County <i>From:</i> 601 Main Street Clarion Clarion County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-1-2010	First Commonwealth Bank Indiana Indiana County	312 North Liberty Street New Castle Lawrence County	Filed

SAVINGS INSTITUTIONS**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-1-2010	Fidelity Savings and Loan Association of Bucks County Bristol Bucks County Merger of Croydon Savings Bank, Croydon, with and into Fidelity Savings and Loan Association of Bucks County, Bristol.	Effective

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
	As a result of the merger, the sole office of Croydon Savings Bank, located at the following address, became a branch office of Fidelity Savings and Loan Association of Bucks County: 704 State Road Croydon Bucks County	

CREDIT UNIONS**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-29-2010	Lancaster Red Rose Credit Union Lancaster Lancaster County Application for approval to merge Lancaster PA Police Federal Credit Union, Lancaster, with and into Lancaster Red Rose Credit Union, Lancaster.	Approved
6-30-2010	Lancaster Red Rose Credit Union Lancaster Lancaster County Merger of Lancaster PA Police Federal Credit Union, Lancaster, with and into Lancaster Red Rose Credit Union, Lancaster.	Effective

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-1-2010	Franklin County Teachers' Credit Union Chambersburg Franklin County Amendment to Article 1 of the credit union's Articles of Incorporation provides for the name of the credit union to be changed to "1st Ed Credit Union."	Approved and Effective

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-1326. Filed for public inspection July 23, 2010, 9:00 a.m.]

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 13, 2010.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-7-2010	First Commonwealth Bank Indiana Indiana County	Cranberry Promenade Route 19 North Cranberry Township Butler County	Authorization Surrendered

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-8-2010	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	7703 McKnight Road Pittsburgh Allegheny County	Approved
7-8-2010	Ambler Savings Bank Ambler Montgomery County	3009 Germantown Pike Fairview Village Montgomery County	Approved
7-10-2010	New Century Bank Phoenixville Chester County	601 North Main Street Port Chester Westchester County, NY	Opened
7-13-2010	Community First Bank Reynoldsville Jefferson County	601 Main Street Clarion Clarion County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-30-2010	Northwest Savings Bank Warren Warren County	5850 Meridian Road Gibsonia Allegheny County	Closed
7-13-2010	Orrstown Bank Shippensburg Cumberland County	201 South Cleveland Avenue Hagerstown Washington County, MD	Filed

SAVINGS INSTITUTIONS**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-17-2010	ESSA Bank & Trust Stroudsburg Monroe County	5020 PA Route 873 Schnecksville Lehigh County	Opened

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-1327. Filed for public inspection July 23, 2010, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2010

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of August, 2010, is 6%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and

which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.58 to which was added 2.50 percentage points for a total of 6.08 that by law is rounded off to the nearest quarter at 6%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-1328. Filed for public inspection July 23, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years, subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0083691 (IW)	West Earl Water Authority P. O. Box 202 157 West Metzler Road Brownstown, PA 17508	Lancaster County West Earl Township	UNT to Conestoga River 7-J	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0083143 (IW)	Saxton Borough Municipal Authority P. O. Box 173 Saxton, PA 16678	Bedford County Saxton Borough	Raystown Branch Juniata River 11-D	Y
PA0083160 (Sew)	Peifer & Gross, Inc. Anchor Mobile Estates P. O. Box 506 Elizabethtown, PA 17022	Adams County Butler Township	Willoughby Run 13-D	Y
PA0081396 (Sew)	Peifer & Gross, Inc. Laurelwood MHP P. O. Box 506 Elizabethtown, PA 17022	York County Newberry Township	UNT to Bennett Run 7-F	Y
PA0080624 (IW)	B & W Quality Growers, Inc. 17825, 79th Street Fellsmere, FL 32948	Cumberland County South Middleton Township	Letort Spring Run 7-B	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0036773 (Sewage)	Shinglehouse Borough Wastewater Treatment Plant P. O. Box 156 Shinglehouse, PA 16748	Potter County Shinglehouse Borough	Honeoye Creek 16-C	Y
PA0101290 (Sewage)	Slab Run STP 163 Tannery Row Road Dubois, PA 15801	Clearfield County Sandy Township	Wolf Run 17-C	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0090182	Concordia Lutheran Ministries 134 Marwood Road Cabot, PA 16023-2206	Butler County Jefferson Township	Unnamed Tributary to Little Buffalo Creek 18-F	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

PA0011088, Industrial Waste, SIC Code 5171, **Plains Products Terminal, LLC**, 6850 Essington Avenue, Philadelphia, PA 19153. Facility Name: Plains Products Terminals, LLC. This existing facility is located in Philadelphia City, **Philadelphia County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Unnamed Tributary to Schuylkill River, is located in State Water Plan watershed 3-F and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on stormwater runoffs through oil and water separator.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPM)		Report				
pH (S.U.)			6.0			9.0
Oil and Grease				15		30

The proposed effluent limits for Outfall 002 are based on stormwater runoffs through oil and water separator.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPM)		Report				
pH (S.U.)			6.0			9.0
Oil and Grease				15		30

The proposed effluent limits for Outfall 003 are based on average stormwater runoffs.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
pH (S.U.)				Report		
CBOD ₅				Report		
Chemical Oxygen Demand				Report		
Total Suspended Solids				Report		
Oil and Grease				Report		
Total Kjeldahl Nitrogen				Report		
Total Phosphorus				Report		
Dissolved Iron				Report		

The proposed effluent limits for Outfall 004 are based on average stormwater runoffs.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
pH (S.U.)				Report		
CBOD ₅				Report		
Chemical Oxygen Demand				Report		
Total Suspended Solids				Report		
Oil and Grease				Report		
Total Kjeldahl Nitrogen				Report		
Total Phosphorus				Report		
Dissolved Iron				Report		

The proposed effluent limits for Outfall 005 are based on average stormwater runoffs.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
pH (S.U.)				Report		
CBOD ₅				Report		
Chemical Oxygen Demand				Report		
Total Suspended Solids				Report		
Oil and Grease				Report		
Total Kjeldahl Nitrogen				Report		
Total Phosphorus				Report		
Dissolved Iron				Report		

In addition, the permit contains the following major special conditions:

1. Public Nuisance.
2. Change of Operator Notification.
3. Change of Ownership.
4. Product Contaminated Stormwater Runoffs.
5. Additional Monitoring and Reporting Requirements.
6. PPC Planning.
7. Other Wastewater Discharges.
8. Definitions.
9. Lab Certification.
10. Requirements Applicable for Stormwater Outfalls.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect.

PA0020532, Sewage, SIC Code 4952, **Upper Montgomery Joint Authority**, P. O. Box 6, Pennsburg, PA 18073-0006. Facility Name: Upper Montgomery Joint Authority. This existing facility is located in Upper Hanover Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage from Boyertown STP. The receiving stream(s), Perkiomen Creek and unnamed tributary to Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for trout stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report				
pH (S.U.)			6.0			9.0
Dissolved Oxygen			5.0			
Total Residual Chlorine				0.5		1.2
CBOD ₅	417	667		25	40	50
Total Suspended Solids	500	750		30	45	60
		33,360 Daily			2,000 Daily	
Total Dissolved Solids	16,680	Maximum		1,000 200 Geometric Mean Report	Maximum	2,500
Fecal Coliform (CFU/100 ml)						1,000*
Nitrate-Nitrite as N						
Ammonia-Nitrogen	167			10		20
Total Phosphorus	8.34			0.5		1.0

* Shall not exceed in more than 10% of samples taken.

The proposed effluent limits for Outfalls 002—006 are based on an average storm event:

<i>Parameters</i>	<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)			Report	
CBOD ₅			Report	
Chemical Oxygen Demand			Report	
Total Suspended Solids			Report	
Oil and Grease			Report	
Total Kjeldahl Nitrogen			Report	
Total Phosphorus			Report	
Dissolved Iron			Report	

In addition, the permit contains the following major special conditions:

Stormwater Management Requirement.

I/I Abatement Plan.

Effluent Monitoring During Bypass.

Solid Management at the Plant.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 484.250.5910.

The EPA waiver is not in effect.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0010782, Industrial Waste, SIC Code 4911, **RRI Energy Mid Atlantic Power Holdings, LLC**, 121 Champion Way, Canonsburg, PA 15317-5817. Facility Name: Titus Station. This existing facility is located in Cumru Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream, Schuylkill River, is located in State Water Plan watershed 3-C and is classified for Warm Water Fishes aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.469 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	Report	Report	XXX	30	100	100
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2,500
Oil and Grease	Report	Report	XXX	15	20	20
Total PCBs	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 2.149 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	Report	Report	XXX	30	100	100
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2,500
Oil and Grease	Report	Report	XXX	15	20	20
Total Copper	10	18	XXX	0.56	1.0	1.4
Total Iron	Report	Report	XXX	1.0	2.0	2.5
Total PCBs	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 1.007 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	30	100	100
Total Dissolved Solids	XXX	XXX	XXX	3,500	7,000	8,750
Oil and Grease	XXX	XXX	XXX	15	20	20
Total PCBs	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Storm Water Outfalls 005—013 are

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 401 are based on a design flow of 1.007 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	100
Oil and Grease	XXX	XXX	XXX	15	20	20

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Application No. PA 0026875, Amendment No. 1, Sewage, Borough of Hanover, 44 Frederick Street, Hanover, PA 17331. This facility is located in Conewago Township, **Adams County**.

Description of activity: The application is for an amendment of an NPDES permit for a new discharge of treated sewage.

The receiving stream, South Branch Conewago Creek, is in Watershed 7-F, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for New Oxford Municipal Authority is located on the South Branch Conewago Creek, approximately five miles downstream. The discharge is not expected to affect the water supply.

This permit was amended to reflect a compliance schedule change and an adjusted TRC limit based on a site specific study.

The proposed effluent limits for Outfall 001 for a design flow of 5.6 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.28		0.93

In addition, the permit contains effluent limits to discharge wet weather flow up to 12 MGD to Plum Creek at Outfall 002 as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.22		0.72

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000.

PA0203815, Industrial Waste, SIC 4512, 4581 and 9224, **Allegheny County Airport Authority, Landside Terminal**, 4th Floor Mezzanine, P. O. Box 12370, Pittsburgh, PA 15231. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from Pittsburgh International Airport in Findlay and Moon Townships, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, East Fork Enlow Run and its tributaries, West Fork Enlow Run, West Fork McClarens Run and its tributaries, and East Fork McClarens Run, classified as trout stocked fisheries, and Raredon Run classified as warm water fishery, all with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Nova Chemical located on the Ohio River approximately 30 miles below the discharge(s).

Outfall 001: Existing discharge, average discharge flow of 0.0144 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Suspended Solids			35		70
Iron			1.50	2.34	
Manganese			1.00	1.56	
Aluminum			0.50	0.75	
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfalls 002 and 003: Existing discharges, average discharge flow of 0.008 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfall 004: Existing discharge, average discharge flow of 0.08 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfalls 009, 016, 023, 029, 038, 041, 042, 066, 089 and 090: Existing discharge, varied flow.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Suspended Solids			Monitor and Report		
CBOD ₅			Monitor and Report		
COD			Monitor and Report		
Total Nitrogen			Monitor and Report		
Ammonia Nitrogen			Monitor and Report		
Phosphorus			Monitor and Report		
Oil and Grease			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Propylene Glycol			Monitor and Report		
Acetate			Monitor and Report		
Formate			Monitor and Report		
Tolytriazole			Monitor and Report		
Dissolved Oxygen			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfall 057: Existing discharge, varied flow

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Aluminum			0.5	0.75	
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfall 064: Existing discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			Monitor and Report		
BOD ₅			Monitor and Report		
COD			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 s.u.				

Internal Outfall 167: Existing discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			30		60
CBOD ₅			10		20
Oil and Grease			15		30
MBAS			1.0		2.0
Benzene			0.005		0.01
Total Residual Chlorine			0.07		0.16
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfall 067: Existing discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease			Monitor and Report		
Nitrate-Nitrite Nitrogen			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfall 068: Existing discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Oil and Grease			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfall 074: Existing discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease	Monitor and Report				
pH					
	not less than 6.0 nor greater than 9.0 s.u.				

Outfall 076: New discharge, average monthly discharge flow of 4.2 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			10	20	
CBOD ₅			10	20	
Total Nitrogen			5	10	
Phosphorus			0.5	1.0	
Oil and Grease			15	30	
Propylene Glycol			1.7	3.4	
Tolytriazole			0.8	1.2	
Chemical Oxygen Demand			Monitor and Report		
Ammonia Nitrogen			Monitor and Report		
Acetate			Monitor and Report		
Formate			Monitor and Report		
Dissolved Oxygen			Minimum of 6.0 mg/l		
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfalls 077—084: New discharges, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			10	20	
CBOD ₅			10	20	
Total Nitrogen			5	10	
Phosphorus			0.5	1.0	
Oil and Grease			15	30	
Propylene Glycol			1.7	3.4	
Tolytriazole			0.8	1.2	
Chemical Oxygen Demand			Monitor and Report		
Ammonia Nitrogen			Monitor and Report		
Acetate			Monitor and Report		
Formate			Monitor and Report		
Dissolved Oxygen			Minimum of 6 mg/l		
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfalls 085—088: New discharges, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			30	60	
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfalls 005—008, 011—014, 017—022, 024—028, 030—032, 036, 037, 039, 040, 043—056, 058—063, 065, 069—073, 075: storm water discharges of varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These discharges shall consist solely of uncontaminated storm water runoff.					

Other Conditions:

A SWPPP is required for Outfalls 064 and 067.

The permit is subject to the Montour Run Watershed TMDL.

The EPA waiver is not in effect.

PA0218367, Industrial Waste, SIC 4941, **Saint Francis College**, P. O. Box 600, Loretto, PA 15940-0600. This application is for renewal of an NPDES permit to discharge treated process water from Saint Francis Water Treatment Plant in Loretto Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Unnamed Tributary to Chest Creek, classified as a high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Patton Borough Water System, located at Chest Creek, 10 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.003 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron			2		4
Aluminum			1.8		3.6
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect

PA0217905, Industrial Waste, SIC, 4941, **Municipal Authority of the Borough of Oakmont**, P. O. Box 73, 721 Allegheny Avenue, Oakmont, PA 15139. This application is for renewal of an NPDES permit to discharge treated process water from the Hulton Treatment Plant in Oakmont Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River and Falling Springs Run, classified as warm water fisheries with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply is Fox Chapel Authority, located at 255 Alpha Drive, RIDC Industrial Park, Pittsburgh, PA 15238, 2.6 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.15 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	60	75
Total Residual Chlorine			0.012		0.03
Aluminum			0.5	1.0	1.25
Iron			1.5	3.0	3.75
Manganese			1.0	2.0	2.50
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 0.2 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30		60
Total Residual Chlorine			0.5		1.25
Aluminum			4.0		8.0
Iron			2.0		4.0
Manganese			1.0		2.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.3 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30		60
Total Residual Chlorine			0.5		1.25

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Aluminum			4.0		8.0
Iron			2.0		4.0
Manganese			1.0		2.0
pH	not less than 6.0 nor greater than 9.0				

Outfalls 004—009: existing discharge, design flow of N/A

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
	The discharge from these outfalls shall consist of uncontaminated storm water runoff only.				

The EPA waiver is in effect.

PA0216399, Industrial Waste, SIC 4941, **Conemaugh Township Municipal Authority**, 113 South Main Street, Davidsville, PA 15928. This application is for renewal of an NPDES permit to discharge treated process water from a water treatment plant in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, South Fork Ben's Creek, classified as a high quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Water Authority, located at Saltsburg, 72 miles below the discharge point.

Outfall 001: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	Flow (MGD)				
	Monitor and Report				

Outfall 002: existing discharge, design flow of 0.0117 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			30		60
Aluminum			2.5		5.0
Iron			2.0		4.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Amplified Public Notice for NPDES Permit No. PA0215856, Amendment No. 1, Industrial Waste, SIC 4941, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. This application is for an amendment of an NPDES permit to discharge treated clarifier and filter backwash water from a new Outfall No. 002 in Derry Township, **Westmoreland County**.

This notice reflects changes from the notice published in the May 29, 2010 *Pennsylvania Bulletin* Volume 40, Number 22.

Outfall 002: existing discharge, average flow of 0.075 mgd (based on Draft permit comments 6/3/2010).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2		4
Aluminum (T)			0.73		1.46
Manganese (T)			1.0		2.0
Total Residual Chlorine			0.31		0.62
pH (S.U.)	not less than 6.0 nor greater than 9.0				

Other Conditions: Control residual solids and floating solids, DMR Submittals, Total Residual Chlorine conditions and chemical additives.

The EPA waiver is in effect.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814-332-6942.

PA0002372, Industrial Waste, SIC Code 2999, **International Waxes, Inc.**, 45 Route 446, Smethport, PA 16749-5413. Facility Name: International Waxes Farmers Valley Plant. This existing facility is located in Keating Township, **McKean County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for existing discharge of storm-water, non contact cooling water and treated industrial waste.

The receiving streams, Cole Creek and Potato Creek, located in State Water Plan watershed 16-C, are classified for Cold Water Fishes (Cole Creek at Outfall 003), Warm Water Fishes (Potato Creek at Outfall 001) and Trout Stocking (Potato Creek at Outfall 002), aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.229 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report				
pH			6			9
Temperature					110	

The proposed effluent limits for Outfall 002 are based on a design flow of 0.436 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report				
pH (S.U.)			6			9
Temperature					110	
Total Organic Carbon	Report	Report		Report	5	10

The proposed effluent limits for Outfall 003 are based on a design flow of NA MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	

This outfall shall be composed entirely of nonpolluting storm water runoff.

The proposed effluent limits for Outfall 101 are based on a design flow of 0.566 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report				
pH (S.U.)			6			9
BOD ₅	Report	Report		25.5	48	65
Chemical Oxygen Demand	Report	Report		128	248	250
Total Suspended Solids	Report	Report		21	33	52.5
Oil and Grease	Report	Report		8	15	20
Ammonia-Nitrogen	Report	Report		10.5	23	26.5

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications Under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0671419, Amendment 10-1, Sewerage, **UMH Properties, Inc.**, 3499 Route 9 North, Freehold, NJ 07728. This proposed facility is located in Greenwich Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of a phosphorus removal system to serve Highland Estates Mobile Home Park.

WQM Permit No. 3610203, Sewerage, **Whispering Hope East**, 23A South New Holland Road, Gordenville, PA 17529. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment to serve their single family residence located on Crooked Lane.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 1410402, Sewerage 4952, **ADG—Hospital Drive Associates**, 1300 Market Street, P. O. Box 622, Lemoyne, PA 17043. This proposed facility is located in College Township, **Centre County**.

Description of Proposed Action/Activity: Wastewater pumping station to serve a medical building that will contain doctor's offices and clinics.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 6510201, Industrial Waste, **Reserved Environmental Services, LLC**, 1119 SR 119, Mount Pleasant, PA 15666. This proposed facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of an industrial wastewater treatment facility.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 3794401, Sewerage, **Amendment No. 1, Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. This proposed facility is located in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: Upgrade of an existing Sewage Treatment Facility for the Turnpike Commission's Main Line North Toll Plaza.

WQM Permit No. 2097409, Sewerage, **Amendment No. 1, Northwest Crawford County Sewer Authority**, P. O. Box 56, Springboro, PA 16435. This proposed facility is located in Springboro Borough, **Crawford County**.

Description of Proposed Action/Activity: Amendment of an existing permit to add a stormwater surge tank, replace the main plant blowers; upgrade the headworks and the diffusers; and add a larger chlorine contact tank.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Northampton County Conservation District: 14 Gracedale Avenue, Greystone Building, Nazareth, PA 18064-9211, 610-746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804044R	Wagner Enterprises, LTD Attn: Mark P. Wagner P. O. Box 3154 Easton, PA 18043	Northampton	City of Bethlehem	Saucon Creek HQ-CWF, MF

Lehigh County Conservation District: Lehigh Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023910008	Omega Homes Attn: Gregory Harris Penn's West, Inc. 1150 South Cedar Crest Boulevard Suite 200 Allentown, PA 18103	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF, MF
PAI023904001R	Heritage Building Group Attn: Jon Tresslar 2500 York Road Jamison, PA 18929	Lehigh	Upper Macungie Township	Tributary to Schaefer Run Creek HQ-CWF, MF
PAI023910009	DFM Realty Attn: Scott Lebenberg 27 North Reading Avenue P. O. Box 547 Boyertown, PA 19512	Lehigh	Upper Macungie Township	Schaefer Run HQ-CWF, MF Little Lehigh Creek HQ-CWF, MF

Luzerne County Conservation District: Route 485, Smith Pond Road, Lehman, PA 18627-0250, 570-674-7991.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI024010003	Lehman Township Attn: Dave Sutton 1095 Mt. View Drive Dallas, PA 18612	Luzerne	Lehman Township	East Fork Harvey's Creek HQ-CWF, MF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI033610004	Kenneth Wiker 993 Truce Road Holtwood, PA 17532	Lancaster	Providence Township	Fishing Creek HQ-CWF
PAI032110005	Michael Greene 4075 Market Street Camp Hill, PA 17011	Cumberland	Hampden Township Lancaster County	UNT to Trindle Spring Run HQ-CWF

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAS10F106(4)	Ian Salada Penn State University 113 Physical Plant Building University Park, PA 16802	Centre	State College Borough	Slab Cabin Run CWF Thompson Run HQ-CWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

CAFO Notices of Intent Received

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PAG124837, CAFO, SIC 025, NAICS 111, **Joe Jurgielewicz & Son, Ltd.—Sunbury Farm**, 1016 Plumb Creek Road, Sunbury, PA 17801. This proposed facility is located in Rockefeller Township, **Northumberland County**.

Description of Size and Scope of Proposed Operation/Activity: This farm contains 22,500 ducks at any one time for a total of 80.1 AEUs. This farm is estimated to produce 275,000 gallons of liquid manure and 1,200 tons of solid manure. The liquid manure produced from the animal operation is stored in a professional engineer designed and certified HPDE lined manure storage facility that has a capacity of 336,645 gallons. All manure is exported from the farm.

The receiving stream, Plumb Creek, is in the Little Shamokin Creek Watershed No. 6B and classified as a: Cold Water Fisheries (CWF).

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the state narrative water quality standards.

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Lamar Moyer 180 Endsloew Road Marietta, PA 17547	Lancaster	12.4	480.36	Broilers	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

*Southeast Region: Water Supply Management Program
Manager, 2 East Main Street, Norristown, PA 19401.*

Permit No. 1510509, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Townships	West Whiteland and East Goshen
County	Chester
Type of Facility	PWS
Consulting Engineer	C.E.T. Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	April 30, 2010

Permit No. 0910513, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Borough	Chalfont
County	Bucks
Type of Facility	PWS
Consulting Engineer	C.E.T. Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	April 30, 2010

*Southwest Region: Water Supply Management Program
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

Permit No. 5610507, Public Water Supply.

Applicant	Jefferson Township Water & Sewer Authority 786 Mountain View Road Somerset, PA 15501
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Township or Borough Jefferson Township
 Responsible Official Roger L. Glendenning
 Chairperson
 Jefferson Township Water &
 Sewer Authority
 786 Mountain View Road
 Somerset, PA 15501

Type of Facility New public water supply system

Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501

Application Received July 1, 2010
 Date

Description of Action Construction of approximately
 15,000 feet of waterline and a
 200,000 gallon water storage
 tank. The water system's source
 of water will be the Somerset
 County General Authority.

Permit No. 1110505, Public Water Supply.
 Applicant **Greater Johnstown Water
 Authority**
 640 Franklin Street
 P. O. Box 1407
 Johnstown, PA 15907

Township or Borough West Taylor Township

Responsible Official Edward Cernic
 Chairperson
 Greater Johnstown Water
 Authority
 640 Franklin Street
 P. O. Box 1407
 Johnstown, PA 15907

Type of Facility water supply system

Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 P. O. Box 853
 Latrobe, PA 15650

Application Received July 7, 2010
 Date

Description of Action Rehabilitation and relocation of
 the existing Fernwood Pump
 Station.

Permit No. 3209505MA, *Republish*—Public Water Supply.

Applicant **Indiana County Municipal
 Services Authority**
 602 Kolter Drive
 Indiana, PA 15701

Township or Borough Conemaugh, Cherry Hill and
 Armstrong Townships

Responsible Official Michael Duffalo
 Executive Director
 Indiana County Municipal
 Services Authority
 602 Kolter Drive
 Indiana, PA 15701

Type of Facility water supply system

Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 P. O. Box 853
 Latrobe, PA 15650

Application Received February 20, 2009
 Date

Description of Action Extension of waterlines into
 Airport Road, Parkwood area
 and Breeze Clamp; and
 installation of a pump station,
 tank and waterlines on Pymack
 Road.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and

implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

236 Tanner Avenue, Hatboro Borough, **Montgomery County**. Joanne Van Rensselaer, Envirosearch Consultants, Inc., P. O. Box 940, Spring House, PA 19477 on behalf of Wayne Zielke, 240 Tanner Avenue, Hatboro, PA 19040 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the property will remain the same.

15 Red Rose Drive, Middletown Township, **Bucks County**. Staci Cottone, J & J Spill Service and Supplies, Inc., P. O. Box 30, Blue Bell, PA 19422 on behalf of Joseph Corrigan, 6139 Saint Andrews Drive, Sanford, NC 27332 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The current and future use of the property is residential.

(REVISED) Sunoco Inc Old Pennell Road, Aston Township, **Delaware County**. Holly Smoker, Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, Greg Rosenzweig, Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, Martin, Liebhardt, Sunoco, Inc., P. O. Box 1135, Post Road and Blue Ball Avenue, Marcus Hook, PA 19061 on behalf of Anthony Morelli, 3460 Pennell Road, Media, PA 19063, Lloyd Yarnell, 3461 Pennell Road, Media, PA 19063, Bruce Snyder, 5000 Pennell Road, Media, PA 19063, Glenn Gualtieri, 102 Old Pennell Road, Media, PA 19063, Dean Fountain, 460 Old Pennell Road, Media, PA 19063, Hope McGowan, 100 Old Pennell Road, Media, PA 19063, Gary Link, 105A/105B/107 Old Pennell Road, Media, PA 19063, Walter Rupnicki, 115A Old Pennell Road, Media, PA 19063 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline. The proposed future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on July 6, 2010.

Pottstown Industrial Complex, Borough of Pottstown, **Montgomery County**. Craig Herr, RT Environmental Service, Inc., 215 West Church Road, King of Prussia, PA 19406, Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jay Brown, Pottstown Industrial Complex, LP, 261 South Keim Street, Pottstown, PA 19464 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of metals. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Mercury* on April 19, 2010.

FDR-Park Recreation Maintenance Building, City of Philadelphia, **Philadelphia County**. Leslie Thurman, BT Environmental Health Safety Consultants, Inc., 3984 Penn Avenue, Sinking Spring, PA 19068, Michael Bendetti, BT Environmental Health Safety Consultants, Inc., 3984 Penn Avenue, Sinking Spring, PA 19068 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will be the same.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Myers Great Value Market, Dillsburg Borough, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Ken Herr, 100 South 7th Street, Akron, PA 17501, submitted a Notice of Intent to Remediate site soils contaminated with leaded gasoline to the Residential Statewide Health Standard.

Elizabeth Craver Residence, Manheim Township, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Elizabeth Craver, 2346 Bob White Lane, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with heating oil. The site will be remediated to a Site-Specific Standard and will remain residential.

Former Allison Hill Automotive Property, City of Harrisburg, **Dauphin County**. Skelly & Loy, Inc., 449 Eisenhower Boulevard, Harrisburg, PA 17111, on behalf of Redevelopment Authority of the City of Harrisburg, P. O. Box 2157, Harrisburg, PA 17105-2157, submitted a Notice of Intent to Remediate site soils contaminated with VOCs, PAHs and inorganics. The site will be remediated to a combination of Non-Residential Statewide Health and Site-Specific Standards. The intended future use of the site is a health center.

Martin Limestone/Limeville Quarry, Salisbury Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Martin Limestone, Inc., 520 Lime Quarry Road, Gap, PA 17527, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lubricating oil. The site will be remediated to a Residential Statewide Health Standard and will remain commercial.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101–6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Environmental Products & Services of Vermont, Inc., P. O. Box 315, Syracuse, NY 13209. License No. PA-HC 0238. Received on May 1, 2010.

Advant-EDGE Solutions of Middle Atlantic, Inc., 927 Red Toad Road, North East, MD 21901. License No. PA-HC 0220. Received on May 3, 2010.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

10-365A: Keystone Clearwater Solutions, LLC (1129 West Governor Road, Hershey, PA 17033) for con-

struction of an industrial wastewater treatment plant at their facility in Forward Township, **Butler County**.

20-304A: Ernst Biomass, LLC (9006 Mercer Pike, Meadville, PA 16335) for construction of a wood and switchgrass pellet manufacturing plant at their facility in Union Township, **Crawford County**.

25-025P: GE Transportation—Erie (2901 East Lake Road, Building 9-201, Erie, PA 16531) for modification of the construction schedule for modifying three test cells in building 4E and three new test cells in building 63 established in plan approval 25-025O in Lawrence Park Township, **Erie County**. This is a Title V facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

09-0009F: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914) for the following changes at their facility in New Britain Township, **Bucks County**:

- Installation of a new lithographic printing press to replace an existing lithographic press.
- Replacement of the dryers on two other existing presses.
- Installation of automatic blanket washers on four existing presses.

The facility is a Title V facility. The proposed modification/reconfiguration will not result in a net increase of emissions. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Braun, Chief—Telephone: 215-685-9476.

AMS 10133: Philadelphia Navy Public Work Department (4921 South Broad Street, Building 1, Philadelphia, PA 19112) to install one 264,00 Btu/hr Boiler firing natural gas, one 9,200 gallon and one 9,700 gasoline storage tank both with Stage 2 vapor recovery, one Spraybooth that paints metal and plastic parts. One Torit Donalson Dust Collector, one Cold cleaning degreaser in the City of Philadelphia, **Philadelphia County**. The facility will have the following combined potential annual emissions: 0.11 ton of Nitrogen Oxides (NO_x), 1.43 tons of Particulate Matter, 0.25 ton of VOCs, 0.10 ton of Carbon Monoxide, less than 0.01 ton of Sulfur Dioxide and less than 0.01 ton of Lead. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00159: US Chrome Corp. of PA (750 West Washington Street, Norristown, PA 19404) for renewal of the original State-only Operating Permit (Natural Minor) in Norristown Borough, **Montgomery County**. There have been no other changes made to the permit since it was issued. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00133: Webrcraft, LLC (181 Rittenhouse Circle, Bristol, PA 19007) for a non-Title V, State-only, Natural Minor Operating Permit to operate a four heatset web offset lithographic presses in Bristol Township, **Bucks County**. The initial permit was issued on 11-8-2005. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

54-00079: The County of Schuylkill—Schuylkill County Courthouse (401 North 2nd Street, Pottsville, PA 17901-1757) for operation of a 4.612 mmBtu heat input anthracite fired boiler at their Schuylkill County Courthouse in Pottsville City, **Schuylkill County**. This is a new State-only Operating Permit.

54-00078: The County of Schuylkill—Schuylkill County Prison (401 North 2nd Street, Pottsville, PA 17901-1757) for operation of a 4.612 mmBtu heat input anthracite fired boiler at the Schuylkill County Prison in Pottsville City, **Schuylkill County**. This is a new State-only Operating Permit.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

03-00238: Curran-Shaffer Funeral Home and Crematory, Inc.—Apollo (100 Owen View Avenue, Apollo, PA 15613) for operation of their facility's air contamination source consisting of one 100 lb/hr human crematory incinerator, Power-Pak II natural gas-fired rated at 700 mmBtu/hr primary chamber and 1.4 mmBtu/hr secondary chamber in Kiskiminetas Township, **Armstrong County**. The facility is limited to 0.08 gr/dcsf particulate matter corrected to 7% oxygen and 500 ppmv sulfur oxides. The permit includes emission, restrictions, operation requirements, monitoring requirements and recordkeeping requirements.

11-00279: Forest Lawn Memorial Association, Inc.—Conemaugh (1530 Frankstown Road, Johnstown, PA 15902) for operation of their facility's air contamination source consisting of one 100 lb/hr human crematory incinerator, All Crematory System 1701 propane fired rated at 716 mmBtu/hr primary chamber and 1.4 mmBtu/hr secondary chamber in Conemaugh Township, **Cambria County**. The facility is limited to 0.10 gr/dcsf particulate matter corrected to 12% oxygen and 500 ppmv sulfur oxides. The permit includes emission, restrictions, operation requirements, monitoring requirements and recordkeeping requirements.

04-00466: NSPC, LLC—New Brighton (P. O. Box 311, Zelienople, PA 16063) for operation of their facility's air contamination source consisting of one 75 lb/hr animal

crematory incinerator, Industrial Equipment and Engineering Company Model No. IE-43 propane-fired rated at 344 mmBtu/hr primary chamber and 658 mmBtu/hr secondary chamber in New Sewickley Township, **Beaver County**. The facility is limited to 0.1 gr/dcsf particulate matter corrected to 7% oxygen and 500 ppmv sulfur oxides. The permit includes emission, restrictions, operation requirements, monitoring requirements and recordkeeping requirements.

65-00899: Snyder Funeral Home, Inc.—Donegal (402 East Church Street, Ligonier, PA 15658) for operation of their facility's air contamination source consisting of one 150 lb/hr human crematory incinerator, B & L Cremation System N-20AA propane fired rated at 350 mmBtu/hr primary chamber and 1.0 mmBtu/hr secondary chamber in Donegal Borough, **Westmoreland County**. The facility is limited to 0.08 gr/dcsf particulate matter corrected to 7% oxygen and 500 ppmv sulfur oxides. The facility also consists of one 74 lb/hr animal crematory incinerator, B & L Cremation System BLP200. The permit includes emission, restrictions, operation requirements, monitoring requirements and recordkeeping requirements for their facility.

65-00596: St Clair Cemetery Association—Greensburg (944 Saint Clair Way, Greensburg, PA 15601) for operation of their facility's air contamination source consisting of one 100 lb/hr human crematory incinerator, All Crematory natural gas-fired rated at 716 mmBtu/hr primary chamber and 1.4 mmBtu/hr secondary chamber in Hempfield Township, **Westmoreland County**. The facility is limited to 0.1 gr/dcsf particulate matter corrected to 7% oxygen and 500 ppmv sulfur oxides. The permit includes emission, restrictions, operation requirements, monitoring requirements and recordkeeping requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

43-00036: Hodge Foundry, Inc. (42 Leach Road, Greenville, PA 16125) for a Synthetic Minor Permit to operate a foundry operation in Hempfield Township, **Mercer County**. This facility has a Synthetic Minor Operating Permit which limits emissions below major source levels.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a

particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit descrip-

tion below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

11733701 and NPDES Permit NA, Robindale Energy Services, Inc., (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), to renew the coal refuse disposal permit for the Cambria Slope Mine No. 33 in Cambria Township, **Cambria County**. No additional discharges. Application received: May 20, 2010.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

56100103 and NPDES No. PA0263036. Hoffman Mining Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Paint and Quemahoning Townships, **Somerset County**, affecting 254.0 acres. Receiving stream(s): Unnamed tributaries to and Stonycreek River classified for the following use(s): Trout Stocked Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 14, 2010.

32100202. Alverda Enterprises Inc., P. O. Box 245, Alverda, PA 15710, commencement, operation and restoration of a bituminous surface and coal refuse reprocessing mine in Conemaugh Township, **Indiana County**, affecting 11.8 acres. Receiving stream(s): Stonycreek River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

65100201 and NPDES Permit No. PA0251976. Alverda Enterprises, Inc. (P. O. Box 245, Alverda, PA 15710). Application for commencement, operation and reclamation of a bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 19 acres. Receiving stream: McGee Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 17, 2010.

GP-12-65100201 and NPDES Permit No. PA0251976. Alverda Enterprises, Inc. (P. O. Box 245, Alverda, PA 15710). Application for the operation of a Terex Finlay 683 SuperTrak Screen, located in Derry Township, **Westmoreland County**, affecting 19 acres. Receiving stream: McGee Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 22, 2010.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

16050109 and NPDES Permit No. PA0257966. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Renewal of an existing bituminous surface strip and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 85.0 acres. Receiving streams: Two unnamed tributaries to the Clarion River, classified for the follow-

ing: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application is for reclamation only. Application received: June 25, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17950106 and NPDES No. PA0220060. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface and auger mine located in Greenwood Township, **Clearfield County** affecting 111.2 acres. Receiving stream(s): unnamed tributaries to Watts Creek and Watts Creek classified for the following use(s): High Quality Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 10, 2010.

17030109 and NPDES No. PA0243515. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface mine located in Huston Township, **Clearfield County** affecting 147.5 acres. Receiving stream(s): Grapevine Run and Heath Run classified for the following use(s): Cold Water Fisheries. Application received: June 14, 2010.

17040110 and NPDES No. PA0243884. Myers & Supko Contracting (P. O. Box 51, Osceola Mills, PA 16666). Renewal of an existing bituminous surface and auger mine located in Decatur Township, **Clearfield County** affecting 74.5 acres. Receiving stream(s): Big Run, Coal Run, an unnamed tributary to Coal Run and Moshannon Creek classified for the following use(s): Cold Water Fisheries. Application received: June 21, 2010.

17100109 and NPDES No. PA0257397. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Commencement, operation and restoration of a bituminous surface and auger mine located in Boggs Township, **Clearfield County** affecting 95.4 acres. Receiving streams: Crooked Sewer Run and an unnamed tributary "A" to Crooked Sewer Run classified for the following use(s): Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: July 1, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

54793206C26 and NPDES Permit No. PA0593125. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), correction to incorporate portions of existing SMP Nos. 54920203, 54773214 and 54663010 into existing anthracite coal refuse reprocessing, surface mine and preparation operation in Mahanoy Township, **Schuylkill County** affecting 3038.0 acres, receiving stream: Mahanoy Creek. Application received: June 23, 2010.

Noncoal Applications Returned

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

16080307 and NPDES Permit No. PA0258628. WDK Enterprises, Inc. (P. O. Box 5, 688 Day City Road, Corsica, PA 15829) Commencement, operation and restoration of a large noncoal operation in Monroe Township, **Clarion County** affecting 202.0 acres. Receiving streams: Unnamed tributaries to Reids Run. Application received: August 11, 2008. Application returned: July 6, 2010.

6896-16080307-E-1. WDK Enterprises, Inc. (P. O. Box 5, 688 Day City Road, Corsica, PA 15829) Application to conduct mining activities within 100 feet of unnamed tributary No. 2 to Reids Run in Monroe Township,

Clarion County. Receiving streams: Unnamed tributaries to Reids Run. Application received: August 11, 2008. Application returned: July 6, 2010.

6896-16080307-E-2. WDK Enterprises, Inc. (P. O. Box 5, 688 Day City Road, Corsica, PA 15829) Application to conduct mining activities within 100 feet of Unnamed Tributary No. 3 to Reids Run in Monroe Township,

Clarion County. Receiving streams: Unnamed tributaries to Reids Run. Application received: August 11, 2008. Application returned: July 6, 2010.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

29890301. K G Richards, 810 Lincoln Way East, McConnellsburg, PA 17233, bond release on a large noncoal (industrial minerals) operation in Todd Township, **Fulton County**, affecting 14.0 acres. Receiving stream(s): Licking Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 24, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

04020301. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212). Application received for transfer of permit currently issued to Ennstone, Inc., d/b/a Three Rivers Aggregates, for continued operation and reclamation of a noncoal surface mining site located in Darlington Township, **Beaver County**, affecting 71.0 acres. Receiving streams: unnamed tributary to Madden Run (unclassified), Madden Run (unclassified) and North Fork Little Beaver Creek to Little Beaver Creek, classified for the following uses: high quality, cold water fishes, and warm water fishes. There are no downstream potable water supply intakes within ten miles of the site. Transfer application received: June 28, 2010.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

3175SM13. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large sand and gravel operation from Ennstone, Inc., d/b/a Three Rivers Aggregates in Scott Township, **Lawrence County** affecting 617.4 acres. Receiving streams: Taylor Run, classified for the following uses: There are no potable surface water supply intakes within 10 miles downstream. Application received: June 28, 2010.

37030303. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large sand and gravel operation from Ennstone, Inc.,

d/b/a Three Rivers Aggregates in North Beaver Township, **Lawrence County** affecting 37.0 acres. Receiving streams: Beaver River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 28, 2010.

37930307. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large sand and gravel operation from Ennstone, Inc., d/b/a Three Rivers Aggregates in North Beaver Township, **Lawrence County** affecting 44.5 acres. Receiving streams: Beaver River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 28, 2010.

4379305 and NPDES Permit No. PA0118818. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large sand and gravel operation from Ennstone, Inc., d/b/a Three Rivers Aggregates in East Lackawannock Township, **Mercer County** affecting 164.6 acres. Receiving streams: Neshannock Creek, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 28, 2010.

43040301. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large sand and gravel operation from Ennstone, Inc., d/b/a Three Rivers Aggregates in East Lackawannock Township, **Mercer County** affecting 10.6 acres. Receiving streams: Neshannock Creek, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 28, 2010.

43070303. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large sand and gravel operation from Ennstone, Inc., d/b/a Three Rivers Aggregates in Springfield and Wilmington Townships, **Mercer County** affecting 114.0 acres. Receiving streams: Unnamed tributary to Indian Run and Indian Run, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 28, 2010.

37920303. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large sand and gravel operation from Ennstone, Inc., d/b/a Three Rivers Aggregates in Taylor Township,

Lawrence County affecting 56.0 acres. Receiving streams: Beaver River, classified for the following uses: WWF. There are potable surface water supply intakes within 10 miles downstream. Application received: June 28, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

55100301 and NPDES No. PA0257401. National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842). Commencement, operation and restoration of a large noncoal permit for support activities only. The site will be used for support activities only, (no mining will occur on the property). The site will have one National Pollutant Discharge Elimination System (NPDES) point that will discharge clean water to an Unnamed Tributary to Middle Creek classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 2, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

40930301C2 and NPDES Permit No. PA0224472. Meckley's Limestone, Inc., (1543 SR 225, Herndon, PA 17830), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hazle Township, **Luzerne County**, receiving streams: Hazle Creek, classified for the following uses: High Quality—cold water and migratory fishes; Big Black Creek, classified for the following uses: cold water and migratory fishes. Application received: June 28, 2010.

58970804. Terry Hunsinger, (R. D. 3, Box 3502, Laceyville, PA 18623), Stages I and II bond release from a quarry operation in Rush Township, **Susquehanna County** affecting 2.0 acres on property owned by David Baltzley. Application received: June 30, 2010.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are

available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E52-220. Peter Claus, 113 Shore Road, Tafton, PA 18464, in Palmyra Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing 24-foot wide by 60-foot long floating wooden dock in Lake Wallenpaupack with modification consisting of extending the dock an additional 30 feet into the lake with the construction of a 4-foot wide wooden gangway connecting the dock to the shore.

The project is located at 113 Shore Road, Tafton, PA 18464 (Friedensburg, PA Quadrangle Latitude: 41° 25' 40"; Longitude: -75° 11' 30").

E52-221. Municipal Authority of the Township of Westfall, 155 Westfall Town Drive, Matamoras, PA 18336, in Westfall Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain sewage pump station in the floodplain of the Delaware River (WWF, MF). The project is located on the south side of Mountain Avenue approximately 0.2 mile west of its intersection with US Route 6 (Port Jervis South, NY-NJ-PA Quadrangle Latitude: 41° 21' 31.8"; Longitude: -75° 43' 0.10").

E45-556. Minsi Trails Council, Inc., P. O. Box 20624, Lehigh Valley, PA 18002, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain multiple docks consisting of fourteen 1-foot by 10-foot sections in Stillwater Lake. The project is located along the southwest bank of Stillwater Lake, on the east side of Keiplers Lane, approximately 2.8 miles northwest of the intersection of SR 940 and I-380 (Pocono Pines, PA Quadrangle Latitude: 41° 7' 2.6"; Longitude: -75° 25' 28.2").

E64-286. Browndale Fire Company & Clinton Township Board of Supervisors, P. O. Box 10, Browndale, Forest City, PA 18421, in Clinton Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a dry fire hydrant in Elk Lake. The project is located along Lizzys Lane approximately 750 feet south of its intersection with Elk Lake Road (Forest City, PA Quadrangle Latitude: 41° 37' 42.2"; Longitude: -75° 23' 17.5").

E40-711. Luzerne County Conservation District, 485 Smiths Pond Road, Shavertown, PA 18708-9742, in Luzerne Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a streambank stabilization project along a 1,200-foot reach of Toby Creek (WWF) with work consisting of removing existing concrete walls and placing R-8 riprap along both banks of the stream. The left bank will contain a 7.2-foot wide bench elevated 2.5 feet above the streambed.

The project is located on the northwest side of Main Street between its intersection with SR 0309 and Courtdale Avenue (Kingston, PA Quadrangle Latitude: 41° 17' 18.8"; Longitude: -75° 54' 13.9").

E39-508. Jerry Wertman, 8621 Brown Street, Slatington, PA 18080, in Washington Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a concrete bridge having a 12-foot span and a 5-foot underclearance across a tributary to Trout Creek (CWF) for the purpose of accessing a single family dwelling. The project is located at 8830 Deer Road approximately 0.25 mile south of its intersection with Mountain Road (Lehigh Township, PA Quadrangle Latitude: 40° 45' 28.6"; Longitude: -75° 39' 19.9").

E13-164. Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101, Smithfield Franklin Township, **Carbon County**, Army Corps of Engineers, Philadelphia District.

To place fill in a de minimis area of wetlands equal to 0.02 acre; to remove the existing structure; and to construct and maintain a single-span, prestressed concrete bulb-tee beam bridge having a total normal clear span of 161.8 feet and an average underclearance of 4.2 feet over Pohopoco Creek (HQ-CWF, MF). The project also includes a slight shift in the alignment of the bridge upstream from its current location. The project is located at SR 2007, Segment 0070, Offset 0063, just north of the intersection of US 209 and SR 2007 (Lehigh Township, PA Quadrangle Latitude: 40° 50' 21" N; Longitude: -75° 40' 05" W) in Franklin Township, Carbon County.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E18-545. Department of Conservation and Natural Resources, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Trout Run Road Embankment Erosion Repair, in Leidy Township, **Clinton County**, ACOE Baltimore District (Hammersly Fork, PA Quadrangle N: 41° 26' 35.6"; W: 77° 55' 45.9").

To construct and maintain a bank stabilization project consisting of: 1) a 150-foot long R-7 riprap footer; 2) a 80-foot by 9-foot deep by 12-foot high gabion basket retaining wall with a 1:9.5 slope; 3) R-7 riprap bank protection above the wall to the edge of Trout Run Road; 4) a rock deflector vane upstream of the gabion baskets; and 5) a 20-foot long channel change just upstream of the baskets to help keep the bank stabilization area drier, all of which is located 1 mile on Trout Run Road from Kettle Creek Park Road.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-628. Department of Transportation, 825 Gallatin Avenue Extension, P. O. Box 459, Uniontown, PA

15401. To extend and widen an arch culvert in South Strabane Township, **Washington County**, Pittsburgh ACOE District (Washington East, PA Quadrangle North 5.7 inches; West 10.1 inches, Latitude: 40° 10' 9.3"; Longitude: 80° 12' 20.7"). The applicant proposes to construct and maintain:

1. a 87 ft. long extension of an existing 508 ft. long, 8 ft. span arch culvert with a drainage area of 201 acres under the to be widened SR 79 and access ramp to SR 70 in an unnamed tributary to Little Chartiers Creek (HQ-WWF).

2. 253 ft. of stream relocation associated with the previous culvert extension and road bank fill.

3. a 7 span two lane high level connection ramp overpass over an existing culvert in Little Chartiers Creek (HQ-WWF).

4. road construction associated temporary encroachments and stormwater outfalls.

Mitigation for the stream relocation will be onsite. Mitigation for the culvert extension and one of the outfall structures will be offsite. This project is associated with SR70 and SR79 interchange improvements east of Washington, PA.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E37-181. Mr. Nyron Ligo, Ligo Lane, New Wilmington, PA 16142. Bridge over UNT Little Neshannock Creek, in Wilmington Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 41° 07' 16"; W: 80° 20' 52").

To construct and maintain a private steel beam bridge having a clear span of approximately 20 feet and an underclearance of approximately 2.5 feet on a UNT Little Neshannock Creek approximately 3,000 feet West of the intersection of SR 208 and SR 158. The crossing has already been constructed. UNT Little Neshannock Creek is a perennial stream classified as a trout stocked fishery.

Environmental Assessments

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA3614-001CO. Pennsylvania Environmental Council, 22 Terminal Way, Pittsburgh, PA 15219, ACOE Baltimore District.

The goal of this project is to restore the natural ecological potential of aquatic resources that are impaired by legacy sediment erosion and storage in a portion of the Big Spring Run (WWF) watershed. Big Spring Run is a tributary to Mill Creek that is located within the Conestoga River watershed and tributary to the Susquehanna River. Big Spring Run is a Clean Water Act 303(d) listed stream with aquatic life impairments attributed to excessive nutrients and siltation. Design features include interrelated considerations of stream stability, sediment supply, nutrient removal efficiency, aquatic habitats, and other ecological functions and values that are representative of the natural physical, chemical and biological characteristics and potential at this site. Proposed water obstructions and encroachments include channel relocations, in-stream grade control and habitat enhancement structures, and excavation of legacy sediment adjacent to Big Spring Run and its tributaries. The proposed project will result in approximately 3,550 linear feet of stream channel restoration and approximately 5 acres of wetland restoration. The project is located adja-

cent to SR 222 and Gypsy Hill Road in West Lampeter Township, **Lancaster County**.

Erosion and Sediment Control

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office listed previously the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager

will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

Applications received under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402)

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCP-1 # ESCP1-53-10-801

Applicant Name Dominion Transmission

Contact Person Kevin P. Zink

Address 5094 Route 349

City, State, Zip Westfield, PA 16950

County Potter

Township(s) Harrison Township

Receiving Stream(s) and Classification(s) Marsh Creek and North Branch Cowanesque River Other

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457,

(717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0033995 (Sew)	Berks County 633 Court Street 16th Floor Reading, PA 19601-4302	Berks County Bern Township	Plum Creek 3-C	Y
PA0088307 (Sew)	Snyders, LLP 501 Conodoguinet Avenue Carlisle, PA 17015-8972	Cumberland County North Middleton Township	Conodoguinet Creek 7-B	Y

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-0532.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0112615 (Industrial Waste)	Northumberland Cogen Plant 909 Cannery Road Northumberland, PA 17857	Northumberland County Point Township	Unnamed Tributary of West Branch Susquehanna River 10-D	Y
PA0114286 (Sewage)	New Albany Borough Sewer System STP Main Street New Albany, PA 18833-0067	Bradford County New Albany Borough	South Branch Towanda Creek 4-C	Y
PA0209066 (Sewage)	Roulette Township Sewer System STP SR 4003 Roulette, PA 16746	Potter County Roulette Township	Allegheny River 16-C	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0024392	Rouseville Borough P. O. Box 317 Rouseville, PA 16344	Venango County Cornplanter Township	Oil Creek 16-E	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PA0247324, CAFO, **Dale Rohrer, Rohrer Farms, LLC**, 750 Doe Run Road, Lititz, PA 17543. This proposed facility is located in East Donegal Township, Penn Township and Warwick Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization for operation of a 1,842-AEU swine and pullet operation in Watershed 7-J.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PA0209228, Sewerage (4952), **Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754.

The action is for the renewal of an NPDES permit authorizing the discharge of treated sewage from the Lycoming County Water and Sewer Authority to the West Branch Susquehanna River in Fairfield Township, **Lycoming County**. This receiving stream is classified for Warm Water Fishes, aquatic life, water supply and recreation.

Facility Standard Industrial Classification (SIC): No. 4952 (Sewerage Systems)

For the purpose of evaluating effluent requirements for Total Dissolved Solids, NO₂-NO₃ (Nitrate-Nitrite), Fluoride, Phenolics, Sulfates and Chlorides, the existing downstream potable water supply (PWS) considered during the evaluation is near Milton, PA, located approximately 20 river miles downstream from the discharge.

The effluent limits for Outfall (numbered) 001, based on a design flow of 1.5 MGD (million gallons per day), are:

<i>Discharge Parameter</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Limitations Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>	<i>Monitoring</i>	
	<i>Monthly Average</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Minimum Frequency</i>	<i>Sample Type</i>
Flow MGD	Report	Report					Continuous	Meter
CBOD ₅	313	500		25	40	50	2/Week	24 Hour Comp.
TSS	375	563		30	45	60	2/Week	24 Hour Comp.
TRC				0.5		1.6	1/Shift	Meter
Fecal Coliforms							2/Week	Grab
5/1 9/30	200 colonies/100ml as a Geometric mean, and not greater than 1,000 colonies/100ml in more than 10% of the samples tested							
10/1-4/30	(2,000 #/100 ml Geometric Mean)							
pH (Standard Units)				6.0 to 9.0 at all times			1/Day	Grab

The Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Discharge Parameter</i>	<i>Mass Load (lb)</i>		<i>Minimum</i>	<i>Limitations Concentration (mg/l)</i>		<i>Minimum Frequency</i>	<i>Monitoring Sample Type</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>		
Ammonia-N	Report			Report		1/Week	24 Hour Comp.
Kjeldahl-N	Report			Report		1/Week	24 Hour Comp.
Nitrite/Nitrate-N	Report			Report		1/Week	24 Hour Comp.
Total Nitrogen	Report	Report		Report		1/Month	Calculate
Total Phosphorus	Report	Report		Report		1/Week	24 Hour Comp.
Net Total Nitrogen	Report	27,397				1/Month	Calculate
Net Total Phosphorus	Report	3,653				1/Month	Calculate

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on the compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2011.

** Total Annual Ammonia Load required to be reported on Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

This permit contains the following other requirements:

1. Compliance schedule for PART A I Effluent Limitations, Monitoring, Recordkeeping, and Reporting Requirements.
2. Chesapeake Bay Nutrient Requirements.
3. Requires no direct discharge of stormwater to the sanitary sewers.
4. Requires the permittee to acquire easements to maintain and operate the sanitary sewers.
5. The right to require operation and/or construction changes, when necessary, to produce an acceptable discharge.
6. Requires management and reporting of biosolids within the treatment process.
7. Stormwater outfall conditions.
8. Requires proper disposal of sludge.

The EPA waiver is not in effect.

For more information on this application, contact: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0020257, Sewage, **Amendment No. 2, Borough of Grove City**, P. O. Box 110, Grove City, PA 16127-0110. This existing facility is located in Grove City Borough, **Mercer County**.

Description of Proposed Action/Activity: Amendment of an existing NPDES permit to discharge treated sewage.

NPDES Permit No. PA0025356, Sewage, **Mercer Borough**, 145 North Pitt Street, Mercer, PA 16137-0069. This existing facility is located in Mercer Borough, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a renewed NPDES permit for an existing discharge of treated sewage from a POTW. This is a Major discharge.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. WQG018749, Sewerage, **William Howard**, 10770 Scandia Road, Russell, PA 16345. This proposed/existing facility is located in Elk Township, **Warren County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

WQM Permit No. WQG018758, Sewerage, **Adam and Emily Barr**, 2340 Mercer West Middlesex Road, West Middlesex, PA 16159-3214. This proposed/existing facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI011509003	Lanchester Properties, Inc. 155 Ponds View Drive Oxford, PA 19363	Chester	East Nottingham Township	West Branch Big Elk Creek HQ-TSF-MF

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724-438-4497).

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI052607002	PPM Energy 1125 North West Couch Road Portland, OI 97209	Fayette	Georges, Springhill and Wharton Townships	Big Sandy Creek HQ-CWF Laurel Run HQ-CWF Mountain Creek CWF Quebec Run EV Rubles Run CWF

Greene County Conservation District, 19 South Washington Street, Waynesburg, PA 15370 (724-852-5278).

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI053009002	Southwest Pennsylvania Water Authority 1442 Jefferson Road P. O. Box 187 Jefferson, PA 15344	Greene	Franklin Township	Wisecarver Run, a tributary to Browns and Southfork Tenmile Creeks HQ-WWF

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301 (724-228-6774).

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI056310001	Department of General Services 515 North Office Building Harrisburg, PA 17125	Washington	North Bethlehem Township	Little Chartiers Creek HQ-WWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056310002	Bureau of Engineering and Architecture Room 201, 18th and Herr Streets Harrisburg, PA 17125	Washington	North Bethlehem Township	Little Chartiers Creek HQ-WWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Brockway Borough Jefferson County	PAG-2-1433-10-001	Raymond P. Zomok 400 Market Street Harrisburg, PA 17105	Little Toby Creek CWF	Central Office— Harrisburg, PA 717-787-7433
City of Philadelphia Philadelphia County	PAG0201 511015	Philadelphia Museum of Art P. O. Box 7646 Philadelphia, PA 19101-7646	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5109038	Franklin Towne Charter Elementary School 5301 Tacony Street P. O. Box 310 Philadelphia, PA 19137	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethlehem Township Northampton County	PAG2004809009	Darren L. LePage Department of Transportation District 5-0 1002 Hamilton Street Allentown, PA 18101 and Imperial Excavating & Paving, LLC Attn: Scott Moyer 1234 South 5th Street Allentown, PA 18103	Nancy Run CWF, MF	Northampton County Conservation District 610-746-1971

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Saucon Township Lehigh County	PAG2003909009	McGrath Homes Attn: Vince Keenan 1262 Wood Lane Suite 207 Langhorne, PA 19047	Tributary to Saucon Creek CWF, MF	Lehigh County Conservation District 610-391-9583
Mount Joy Borough Lancaster County	PAG2003610025	George Desmond 1085 Manheim Pike Lancaster, PA 17601	Donegal Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Penn Township Lancaster County	PAG2003610029	Thomas Kile Centerville Associates 987 Chapel Forge Road Lancaster, PA 17601	Chickies Creek WWF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Manheim Township Lancaster County	PAG2003610035	Daniel King 230 Bushong Road Leola, PA 17540	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Carroll Township York County	PAG2006710006	Wayne Ogburn 8438 Carlisle Pike York Springs, PA 17372	Stoney Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Upper Allen Township Cumberland County	PAG2002110009	Mechanicsburg Area School District 100 East Elmwood Avenue Mechanicsburg, PA 17055	UNT to Trindle Spring Run CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
Conewago Township Adams County	PAG2000110011	Daniel R. Trimmer Conewago Valley School District 130 Berlin Road Hanover, PA 17331	Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Franklin Township Adams County	PAG2000110013	William J. Oyler 400 Pleasant Valley Road Biglerville, PA 17307	UNT to Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Antrim Township Franklin County	PAG2002805045-R	Charles Eaton Accent Developers 10233 Amsterdam Road Waynesboro, PA 17268	UNT to Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Antrim Township Franklin County	PAG2002809008	Brad Fulton Molly Pitcher, LLC 11535 Hopewell Road Hagerstown, MD 21740	UNT to Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Richmond Township Berks County	PAG2000607043	George C. Yialamas 300 Hill Road Kutztown, PA 19530	UNT to Sacony Creek	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Richmond Township Berks County	PAG2000608014	Tom Golinsky Fleetwood School District 801 North Richmond Street Fleetwood, PA 19522	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Muhlenberg Township Berks County	PAG2000607088	Steve Landes Township of Muhlenberg 5401 Leesport Avenue Temple, PA 19560	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Tulpehocken Township Berks County	PAG2000609047	David R. Alspaugh 78 Cherry Hill Road Richland, PA 17087	UNT to Little Swatara Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Penn Township Berks County	PAG2000604047-1	Andrew Merrick, Sr. CMTS Ministries, Inc. 321 Focht Road Bernville, PA 19506	UNT to Irish Creek WWF-CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Bern Township Berks County	PAG2000608059-1	Philip Yocum 50 Grandview Boulevard Reading, PA 19609	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Marion Township Berks County	PAG2000610018	Larry E. Martin Dutch Valley Food Distributors, Inc. 7615 Lancaster Avenue Myerstown, PA 17067	UNT to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Reading City Berks County	PAG2000610025	Scott Hunslicker Reading Baseball, LP 1900 Centre Avenue Reading, PA 19605	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Maxatawny Township Berks County	PAG2000610022	Nathan Shugars Kutztown University P. O. Box 730 Kutztown, PA 19530-0730	Saony Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Kutztown Borough Berks County	PAG2000610030	Fiorino Grande Grande Land, LP 223 Quarry Road West Lawn, PA 19609	UNT to Saony Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Maidencreek Township Berks County	PAG2000610026	Rudolfo Folino 68 South Hampton Drive Wyomissing Hills, PA 19610	Willow Creek CWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Perry Township Berks County	PAG2000610013	Tobyn Wysocki Home Run Park, LLC 3 Park Plaza Wyomissing, PA 19610	UNT to Pigeon Creek- Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Maxatawny Township Berks County	PAG2000604109	Robert Ciccone P. O. Box 86 Bath, PA 18014	Saony Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
East Pennsboro Township Cumberland County	PAG2002110005	Robert Gill East Pennsboro Township Authority 98 South Enola Drive Enola, PA 17025	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
Gettysburg Borough Adams County	PAG2000109014	John Spangler Seminary Ridge Historic Preservation Foundation 61 Seminary Ridge Gettysburg, PA 17325	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland Township Adams County	PAG2000110005	Todd Williams Cumberland Township Authority 1370 Fairfield Road Gettysburg, PA 17325	UNT to Marsh Creek- Willoughby Run CWF-WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Woodward Township Clinton County	PAG2001810002 Correction—It should not have been in the <i>Pennsylvania Bulletin</i> . It is PAG2001810001 only.	R. Edward Nestlerode Jr. 145 East Walnut Street Lock Haven, PA 17745	UNT to Susquehanna River CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Limestone Township Union County	PAG2006009009	Edwin Oberholtzer 3040 Tower Road Mifflinburg, PA 17844	UNT to Sweitzers Run	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Buffalo, East Buffalo and West Buffalo Townships Lewisburg and Mifflinburg Boroughs Union County	PAG2006010005	Trey Casimir 629 Fairground Road Lewisburg, PA 17837	Buffalo Creek CWF Limestone Run WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Beaver County New Sewickley Township	PAG2000405018-R	Brian A. Anderson Universal Development 1607 Motor Inn Drive Girard, OH 44420	Crow's Run WWF	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
Washington County North Strabane Township	PAG2006306005-1	Cannery Casino Resorts William Paulos 221 North Rampart Boulevard Las Vegas, NV 89145	Chartiers Creek WWF	Washington County Conservation District 602 Courthouse Square Washington, PA 15301 724-228-6774
Butler Township Butler County	PAG02 0010 10 006	Joseph Cunningham Butler County Area Vocational Technical School 210 Campus Lane Butler, PA 16001	UNT Connoquenessing Creek WWF	Butler Conservation District 724-284-5270
Cranberry Township Butler County	PAG02 0010 10 008	Con Yeager Spice Company Attn: William Y. Kreuer 144 Magil Road Zelienople, PA 16063	UNT Brush Creek WWF	Butler Conservation District 724-284-5270
City of Erie Erie County	PAG02 0025 10 003	Gannon University Attn: Jeffrey S. Taylor 109 University Square Erie, PA 16541	Lake Erie WWF	Erie Conservation District 814-825-6403
Fairview Township Erie County	PAG02 0025 10 004	Tristate Business Institute 5605 WRR, LLC 5739 West Ridge Road Erie, PA 16506	Lake Erie CWF; MF	Erie Conservation District 814-825-6403

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*City of Erie
Erie County

PAG02 0025 10 007

Saint Vincent
Health Center
232 West 25th Street
Erie, PA 16544Lake Erie
CWFErie
Conservation
District
814-825-6403Clarion County
Highland Township

PAG2091610005

Bureau of Abandoned
Mine Reclamation
Cambria Office
286 Industrial
Park Road
Ebensburg, PA
15931-4119Toby Creek
CWFDepartment of
Environmental Protection
Cambria Office
286 Industrial Park Road
Ebensburg, PA
15931-4119
814-472-1800Armstrong County
Redbank Township

PAG2090310006

Bureau of Abandoned
Mine Reclamation
Cambria Office
286 Industrial
Park Road
Ebensburg, PA
15931-4119Pine Run
CWFDepartment of
Environmental Protection
Cambria Office
286 Industrial Park Road
Ebensburg, PA
15931-4119
814-472-1800*General Permit Type—PAG-3**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Bethlehem City
Lehigh County

PAR 112227

Bosch Rexroth Corp
2315 City Line Road
Bethlehem, PA 18017Unnamed Tributary of
the Lehigh River
CWF, TSF, MFDepartment of
Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes-Barre, PA
18701-1915
570-826-2511Wilkes-Barre City
Luzerne County

PAR 802249

FedEx National
LTL Inc-Scr
1144 West Griffin Road
Lakeland, FL 33805Susquehanna River
WWFDepartment of
Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes-Barre, PA
18701-1915
570-826-2511Stroudsburg
Borough
Monroe County

PAR 602248

APS Recycling, Inc.
2 Katz Road
Stroudsburg, PA 18360McMichaels Creek
TSFDepartment of
Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes-Barre, PA
18701-1915
570-826-2511Elk Township
Warren County

PAG049580

William Howard
10770 Scandia Road
Russell, PA 16345Unnamed Tributary
to Fishburn Run
16-BDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942Lackawannock
Township
Mercer County

PAG049590

Adam and Emily Barr
2340 Mercer West
Middlesex Road
West Middlesex, PA
16159-3214West Branch Little
Neshannock Creek
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942

*General Permit Type—PAG-7**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*

Upper Frankford PAG070003
and Lower Mifflin PAG050005
Townships PAG073508
Cumberland County

Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160

Fred McGillvray Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*

Upper Frankford PAG080002
and Lower Mifflin PAG080003
Townships PAG080004
Cumberland County PAG080006

Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160

Fred McGillvray Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707

PAG080008
PAG080018
PAG082203
PAG082211
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083573
PAG083596
PAG083597
PAG083600
PAG083825
PAG089903
PAG089904
PAG089905
PABIG9903
WMGR099

East Drumore
Township
Lancaster County

PAG083597

The Harrisburg
Authority
1662 South Cameron
Street
Harrisburg, PA 17104

Mahlon Lapp Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707

Fulton Township
Lancaster County

PAG083597

The Harrisburg
Authority
1662 South Cameron
Street
Harrisburg, PA 17104

Hannum No. 1 Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707

STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Noah Martin 289 Maxwell Drive Quarryville, PA 17566	Lancaster	160	505.71	Swine	HQ	Approved
Harold Barley 230 Indian Run Road Millersville, PA 17551	Lancaster	500	458.81	Layers/Beef	HQ	Approved

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southeast Region: Water Supply Program Manager, 2 East Main Street, Norristown, PA 19401.

Operations Permit 2310507 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Tinicum Township, **Delaware County** on June 9, 2010, for the operation of Facilities approved under construction permit No. 2310502 for operation of ChlorTec OSGH System at Tinicum Tank and Booster Station located at Tinicum Township, Delaware County.

Operations Permit 1510512 issued to Aqua Pennsylvania, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) East Caln Township, **Chester County** on June 9, 2010, for the operation of Facilities approved under construction permit No. 1510507 for operation of MIOX OSGH System at Bell Tavern Well Station located at East Caln Township, Chester County.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant	United Water Pennsylvania, Inc.
Township or Borough	Town of Bloomsburg
County	Columbia
Responsible Official	John D. Hollenbach United Water Pennsylvania, Inc. 4211 East Park Circle Harrisburg, PA 17111
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Arthur C. Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit Issued Date	July 8, 2010
Description of Action	Installation of the chemical feed system at the Irondale water treatment plant to feed DelPAC 2020 coagulant.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0209520, Public Water Supply.

Applicant	Bay Valley Foods, LLC 1080 River Avenue Pittsburgh, PA 15212
Borough or Township	City of Pittsburgh
County	Allegheny
Type of Facility	Bay Valley water system
Consulting Engineer	CDM, Inc. 2740 Smallman Street Suite 100 Pittsburgh, PA 15222
Permit to Construct Issued	July 9, 2010

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631–641) relating to the acquisition of rights to divert waters of this Commonwealth

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit WA 33-224D. Brockway Borough Municipal Authority, 501 Main Street, Brockway, PA 15824. A modification order has been issued granting the applicant's request to change the passby flow at Whetstone Dam No. 1 and the conservation release flow at Whetstone Dam No. 2 and the location to measure the passby and conservation release flows to correspond with the site

of the weirs to be constructed downstream of the dams. Brockway Borough, **Jefferson County**. Permit Issued: June 25, 2010.

STORMWATER MANAGEMENT

Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)

Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775.

The Act 167 County-Wide Stormwater Management Plan for Montour County, submitted by **Montour County**, was approved on July 8, 2010. This plan applies all watersheds and all areas within Montour County.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hickory Township	127 East Brook-Neshannock Falls New Castle, PA 16105	Lawrence

Plan Description: The approved plan provides for public sewage collection and conveyance for the most densely populated areas of Hickory Township along Harlansburg Road (State Route 108), Cameron and Fairground Roads and State Route 388. The Lawrence County Fairground and the public school will also be served. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

HAZARDOUS SITES CLEANUP PROGRAM

Notice of Proposed Response

Currie Landfill Site Millcreek Township, Erie County

This notice of Proposed Response is being issued by the Department of Environmental Protection (Department) to describe the proposed remedial response action at the Currie Landfill Site (site), under section 506 of the Hazardous Sites Cleanup Act (HSCA), 35 P. S. § 6020.506.

The site is located in Millcreek Township, Erie County, PA. The site is bordered to the north by West 15th Street, to the east by Pittsburgh Avenue, to the northwest by Sellinger Avenue and to the south by Conrail railroad tracks. The site consists of three parcels of land, two currently owned by the Erie Drive-In Theater Corporation, referred to as parcels A and B; and one owned by UPS Freight, referred to as parcel C. The area that will be part of the remedial response will include the entirety of parcels A and B, and also include the northwest corner of parcel C.

The site consists of a historical municipal and industrial waste landfill comprised of a 6 to 12 foot thick heterogeneous mixture of waste and soil. The West Branch of Cascade Creek flows southwest to northeast through a portion of the site. UPS Freight currently operates a facility on a portion of their property, overlaying waste and east of the West Branch of Cascade Creek. The undeveloped landfill portion of the site is heavily vegetated with waste at its surface.

Past investigations show that the following hazardous substances have contaminated the site, primarily tetrachloroethene (PCE), trichloroethene (TCE) and 1,2-dichloroethene (1,2-DCE), vinyl chloride, lead and cadmium. The presence of hazardous substances in wastes, soils, surface water and groundwater at the site constituted a "release" and "threatened release" at the site under section 103 of the HSCA, 35 P. S. § 6020.103.

The threat of release of hazardous substances to public health and safety and to the environment exists for the contaminants found on site. TCE is the primary chemical found which poses the highest threat. It is found in the groundwater, surface water and sediments on site. Other chemicals which have the potential to cause harm to the public or the environment include PCE, 1,2-DCE, vinyl chloride, lead and cadmium. Vinyl chloride is a known human carcinogen. Lead, cadmium and 1,2-DCE are probable human carcinogens and PCE and TCE are classified as suspected human carcinogens, but given the right conditions will break down into vinyl chloride.

The concentrations of these hazardous substances at the site pose an unacceptable risk to human health and the environment. To reduce or eliminate the threat to human health and the environment from the contaminated soils, surface water, sediments and groundwater, the Department proposes that a remedial response action be conducted at the site.

The Department considered the following three remedial response action alternatives for the site and compared them using the evaluation criteria discussed as follows.

Section 106 of the Land Recycling and Environmental Remediation Standards Act (Land Recycling Act), Act of May 19, 1995, 35 P. S. §§ 6026.101—6026.909, requires that the cleanup standards established under the Land Recycling Act be used for any remedial response action conducted under the provisions of HSCA.

Additionally, the Department has considered the following factors in evaluating alternative remedial response actions for the site: long-term risks and effectiveness; reduction of toxicity, mobility or volume of hazardous substances; short-term effectiveness; implementability; cost; and cost-benefit analysis. These evaluation criteria are derived from section 304(j) of the Land Recycling Act.

Finally, in addition to the evaluation criteria in section 304(j) of the Land Recycling Act, the Department also has considered two other evaluation criteria: the ability of a response to meet applicable or relevant and appropriate requirements (ARARs) and public acceptance of the proposed response. Section 504(a) of HSCA requires that final remedial response actions under HSCA shall meet all ARARs under the circumstances presented by the release. In addition, section 506 of HSCA requires the Department to solicit and respond to public comments regarding proposed responses.

Alternative 1. No Action

The "no action" alternative provides a baseline for comparison to other alternatives. Since no action would be implemented, any present or future risks to human health, safety or the environment would remain unchanged.

This alternative would not comply with or address the requirements of the Land Recycling Act and other ARARs. This alternative would not provide any effective and permanent response to protect the public and environmental receptors from direct contact with site related contaminants, or reduce or eliminate the ongoing release and threat of release of hazardous substances into the environment. This alternative would be easily implemented and would have no cost.

Alternative 2. Excavation and Offsite Disposal of Landfill Waste

The total amount of landfill waste present on the site is estimated to be 260,000 cubic yards, including up to 12 feet of waste in certain areas. This alternative would remove the waste and dispose of it offsite at a hazardous waste landfill. Clean fill material would be brought in from offsite in quantities comparable to the waste excavated. The stream banks of the West Branch of Cascade Creek would be restored and a stormwater detention basin would be constructed. After the site has been restored with clean fill it could be redeveloped for various uses.

This alternative would remove the source of contaminants onsite, which would comply with Land Recycling Act requirements for soil, and could potentially meet Land Recycling Act requirements for groundwater, surface water and sediments. This alternative would also meet most if not all other ARARs including NPDES regulations, wetland and encroachment regulations, the storm water management act, and erosion and sediment control regulations. Due to the high volume of waste that would be excavated, the cost to dispose of the waste at a hazardous waste landfill, the large volume of clean fill needed to reclaim the site, and the high cost of transporting the waste and fill material, this alternative is not cost effective. Current cost estimate for this alternative is approximately \$26,600,000.

Alternative 3. Consolidation and Capping of Landfill Waste in Place

Alternative 3 will consolidate the landfill waste and place a two foot soil cap over the waste. This alternative will remove the waste from parcel A and a portion of parcel C to be incorporated with the waste in parcel B. A two foot soil cap would be placed over parcel B. Parcel A will be covered with clean fill followed by coarse aggregate for future land development opportunities. The northeastern area of the undeveloped landfill will serve as the constructed wetland stormwater detention basin. Waste will be removed from the stream banks and will be restored with a 25' riparian buffer. The waste and soil cap will be graded to a final slope of 1% crowned from the center of parcel B to the north and south into collection channels that will drain into the stormwater detention basin. Parcel A will slope 1% to the south and drain into the storm water detention basin. Parcel A will be an impervious surface and parcel B will have a vegetative cover. Operations and maintenance will be required by the landowners to maintain the landfill cap and to ensure the wetland stormwater detention pond operates properly.

Based on an analysis using the previous criteria, and under section 505(a) of HSCA, the Department proposes to implement remedial Alternative 3. This Alternative would protect public health and the environment; comply with ARARs; and be feasible, implementable and be cost effective.

The administrative record will be open for comment from July 24, 2010, until October 22, 2010. Persons may submit written comments into the record during this time only, by sending them to Chris Saber, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Please telephone before hand for an appointment (telephone: 814-332-6648).

The public will have an opportunity to present oral comments regarding the Department's response at a public hearing. The public hearing has been scheduled for September 1, 2010, at 6:30 p.m. in the Assembly Room of the Millcreek Township Municipal Building, located at 3608 West 26th Street, Erie, PA. Persons wishing to present formal oral comments at that hearing must register on or before August 18, 2010, by calling the Department's Community Relations Coordinator, Freda Tarbell at (814) 332-6945. A general question and answer period will follow the formal oral comment period of the public hearing. If no person requests to present oral comments, by the date specified previously, a hearing will not be held. Persons interested in finding out if anyone has registered, and if a hearing will be held, should contact Freda Tarbell at the telephone number noted.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Freda Tarbell at 814-332-6945 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresiden-

tial exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Bobby Rahal Automotive Retail Center, Silver Spring Township, **Cumberland County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Bobby Rahal Automotive Group, 15035 Perry Highway, Wexford, PA 15090, submitted a Final Report concerning remediation of site soils, groundwater and surface water contaminated with unleaded gasoline. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Triple J Associates/Hydraulic Fluid Release, Manheim Township, **Lancaster County**. RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Triple J Associates LTD, 160 Valley Road, Lancaster, PA 17601, submitted a Final Report concerning remediation of site soils and groundwater contaminated with hydraulic fluid. The Report, which was submitted within 90 days of the release, is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard. The site will remain commercial.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Former Getty Pumping Station, Homer and Eulalia Townships, **Potter County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Chevron Environmental Management Company, 6111 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbon target compounds associated with crude oil. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Polysat, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Chester Road, King of Prussia, PA 19406 on behalf of

Darryl Manuel, PolySat, Inc., 7240 State Road, Philadelphia, PA 19135 has submitted a Final Report concerning the remediation of site groundwater contaminated with organic and semi-volatile organics. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department of Environmental Protection on July 2, 2010.

Rydal Park CCRC, Abington Township **Montgomery County**. Staci Cottone, J & J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Craig Pierre, Presby's Inspired Life, 2000 Joshua Road, Lafayette Hill, PA 19444 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The 90 day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 6, 2010.

SC Loveland Piers 66 69 N, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of James Anderson, Berks Street Corporation, 6958 Torresdale Avenue, Philadelphia, PA 19135 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with inorganic. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 28, 2010.

URG Graphics, Inc. Richland Township **Bucks County**. Sean Damon, Langan Engineering and Environmental Services, Inc., P. O. Box 1569, Doylestown, PA 18901, Martin Lindsay, The Middleby Corporation, 1400 Toastmaster Drive, Elgin, IL 60120 on behalf of Eugene Landy, Monmouth Real Estate Investment, Juniper Business Plaza, 3499 Route 9 North, Suite 3-C, Freehold, NJ 07728 has submitted a Final Report concerning the remediation of site soil contaminated with inorganic. The Final Report did not demonstrate attainment of the Background Standard and was disapproved by the Department of Environmental Protection on July 7, 2010.

1707-1737 North Delaware Avenue Property, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of James Anderson, Columbus Boulevard Associates, LP, 6958 Torresdale Avenue, Philadelphia, PA 19135 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 28, 2010.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

K & R Realty Property, Kutztown Borough, **Berks County**. GHR Consulting Services, Inc., 224 B South Maple Street, Ambler, PA 19002, on behalf of K & R Realty, 277 Fair Street, Kutztown, PA 19530, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an underground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on July 1, 2010.

DPA Freight/408 3rd Street and Norman Avenue, Enola, East Pennsboro Township, **Cumberland County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of DPA Freight, 6805 Lebanon Road, Suite 1137, Frisco, TX 75034 and

Michael Henry, 16 Big Oak Road, Dillsburg, PA 17019, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released from a leaking saddle tank. The Final Report, which was submitted within 90 days of the release, demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on July 9, 2010.

Members 1st Federal Credit Union/329 and 345 East Main Street Property, Borough of Middletown, Dauphin County. Advantage Engineers LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Members 1st Federal Credit Union, P. O. Box 40, Mechanicsburg, PA 17055, submitted a Final Report for site soils contaminated with heating oil, leaded gasoline, waste oil/solvents and hydraulic fluid from 12 unregulated underground storage tanks. The Final Report demonstrated attainment of the Non-Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on July 12, 2010.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

G & B Specialties Berwick Plant, Berwick Borough, Columbia County. Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf G & B Specialties, Inc., P. O. Box 305, 535 West Third Street, Berwick, PA 18603 has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs, PAHs and metals. The Remedial Investigation Report/Cleanup Plan was approved by the Department of Environmental Protection on July 12, 2010.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Eastside Limited Partnership V Property, City of Pittsburgh, East Liberty Allegheny County. Pedersen & Pedersen, 441 Mars-Valencia Road, Valencia, PA 15206 on behalf of Eastside Limited Partnership V, 535 Smithfield Street, Suite 2425, Pittsburgh, PA 15222 submitted a Remedial Investigation Report and Final Report concerning the remediation of site soils and groundwater contaminated with constituents commonly associated with former gasoline and dry cleaning operations. The Remedial Investigation and Final Report was approved by the Department of Environmental Protection on June 28, 2010. The Final Report demonstrated attainment of the nonresidential Site-Specific Standard. An environmental covenant will be recorded with the Property restricting groundwater withdrawal and residential uses.

LTV Southside Portions of South 26th, South Water and Sidney Streets and Sarah Street Extension, and modified to include Tunnel Boulevard and the South Shore Riverfront Park, City of Pittsburgh, Allegheny County, Martin C. Knuth, Civil and Environmental Consultants, Inc. on behalf of the Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA has submitted a Final Report concerning remediation of site soils contaminated with metals, volatiles and semi-volatiles. The Final Report demonstrated attainment of the nonresidential Site-Specific Standard for the streets and a residential Site-Specific Standard, recreational use only, for the South Shore Riverfront Park. An environmental covenant has been executed for the Properties. The Final Report was approved on July 7, 2010.

Former Reliance Electric Company Facility, Chartiers Township Washington County. RMT, Inc., 2025 East Beltline Avenue SE, Suite 402, Grand Rapids, MI 49546 on behalf of Baldor Electric Company, 320 Reliance Drive, Chartiers Township, Washington, PA 15301 has submitted a Final Report concerning the remediation of site groundwater contaminated with TCE and PCE. The Final Report demonstrated attainment of the background standard. The Final Report was approved on July 8, 2010.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Issued

R.E.D. Technologies, LLC, 10 Northwood Drive, Bloomfield, CT 06002. License No. PA-AH 0772. Effective June 1, 2010.

Stericycle Specialty Waste Solutions, 18 Water Street, Reading, PA 19605. License No. PA-AH 0770. Effective June 1, 2010.

A & R Logistics, Inc., d/b/a A & R Transport, Inc., 2223 Empress Road, Joliet, IL 60436. License No. PA-AH 0771. Effective June 4, 2010.

Hazardous Waste Transporter License Renewed

G. Tresch Transportations, Inc., 630 South Evergreen Avenue, Woodbury, NJ 08097. License No. PA-AH 0380. Effective May 10, 2010.

Environmental Products & Services, P. O. Box 315, Syracuse, NY 13209. License No. PA-AH 0748. Effective May 11, 2010.

R & R Trucking, Inc., 302 Thunder Road, Duenweg, MO 64841. License No. PA-AH 0592. Effective May 14, 2010.

Tonawanda Tank Transport Service, Inc., 1140 Military Road, P. O. Box H, Buffalo, NY 14217. License No. PA-AH 0429. Effective June 2, 2010.

The Tauro Brothers Trucking, Co., 1775 North State Street, Girard, OH 44420. License No. PA-AH 0750. Effective June 2, 2010.

OP- Tech Environmental Services, Inc., 1 Adler Drive, East Syracuse, NY 13057. License No. PA-AH 0599. Effective June 3, 2010.

Altom Transport, Inc., 4242 South Knox Avenue, Chicago, IL 60632. License No. PA-AH 0693. Effective June 6, 2010.

Thunderbird Trucking, LLC, 4343 Kennedy Avenue, East Chicago, IN 46312. License No. PA-AH 0745. Effective June 8, 2010.

Disposal Consultant Services, Inc., 50 Howard Street, Piscataway, NJ 08854. License No. PA-AH 0754. Effective June 9, 2010.

Allstate Power Vac, Inc., 928 East Hazelwood Avenue, Rahway, NJ 07065. License No. PA-AH 0339. Effective June 15, 2010.

National Waste Clean, Inc., 304 Pulaski Street, South Plainfield, NJ 07080. License No. PA-AH 0528. Effective June 15, 2010.

David J. Winning Company, 5610 Aiken Road, McKees Rocks, PA 15136. License No. PA-AH S100. Effective June 15, 2010.

South Park Motor Lines, Inc., 9850 Havana Street, Henderson, Co 80640. License No. PA-AH 0755. Effective June 24, 2010.

Radiac Research Corporation, 261 Kent Avenue, Brooklyn, NY 11211. License No. PA-AH S007. Effective June 24, 2010.

West Central Environmental Corporation, P. O. Box 83, Rensselaer, NY 12144-0083. License No. PA-AH 0422. Effective July 1, 2010.

Page E.T.C., Inc., P. O. Box 1290, Weedsport, NY 13166. License No. PA-AH 0338. Effective July 2, 2010.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Environmental Products & Services of Vermont, Inc., P. O. Box 315, Syracuse, NY 13209. License No. PA-HC 0238. Effective May 13, 2010.

Advant-EDGE Solutions of Middle Atlantic, Inc., 927 Red Toad Road, North East, MD 21901. License No. PA-HC 0220. Effective June 23, 2010.

RESIDUAL WASTE GENERAL PERMITS

Permits Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR079D003. ICM of Pennsylvania, Inc., 638 Lancaster, Avenue, Malvern, PA 19355.

The general permit WMGR079D003 authorizes the processing and beneficial use of waste asphalt shingles as aggregate in the production of asphalt paving material and as a sub-base for road and driveway construction. The waste asphalt shingles are processed at Cedar Hill Quarry Plant, located in Fulton Township, Lancaster County. The permittee requested the general permit be

revoked due to the utilization of another general permit for the operation at the Cedar Hill Quarry plant. Central Office revoked this general permit on July 12, 2010.

General Permit Application No. WMGR079D002. Allan A. Myers, LP, 638 Lancaster, Avenue, Malvern, PA 19355.

The general permit WMGR079D002 is for the processing and beneficial use of waste asphalt shingles as aggregate in the production of asphalt paving material and as a sub-base for road and driveway construction, processed at Devault Asphalt Plant, located in Charlestown Township, Chester County. The permittee requested the general permit be revoked due to the utilization of another general permit for the operation at the Devault Asphalt Plant. Central Office revoked this general permit on July 2, 2010.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Applications for Determination of Applicability for General Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit Application No. WMGM039 SE002A. Independent Construction Materials, 638 Lancaster Avenue, Malvern, PA 19355. This application is for Determination of Applicability under the terms and conditions of General Permit WMGM039 for the processing and beneficial use of pre- and post-consumer asphalt shingles as an ingredient in hot-mix and cold mix asphalt paving material at the Devault Asphalt Plant located at 4045 SR in Charlestown Township, **Chester County**. The application for determination of applicability was issued by the Southeast Regional Office on June 16, 2010.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone, 412-442-4000.

General Permit No. WMGR101SW001. Allegheny Aggregates, Inc., 1001 Springhill Road, Natrona Heights, PA 15065. A residual waste general permit for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag, reclaimed asphalt pavement materials in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects for use as construction material in Harrison Township, **Allegheny County**, was approved by the Regional Office on June 11, 2010.

Persons interested in reviewing the general permit may contact Diane McDaniel, P. E., Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 101662. Conshohocken Rail, LLC, 1060 Conshohocken Road, Conshohocken, PA 19428. This permit is for the 10 year renewal of the existing solid waste permit to continue operation at the Conshohocken Rail Transfer Station, a construction and demolition (C&D) waste transfer facility located at 1060 Conshohocken Road in Plymouth Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on July 12, 2010.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGM027SC002. Creative Fuels, LLC, 720 Laurel Street, Reading, PA 19602. The Southcentral Regional Office, Waste Management Program has issued WMGM027-SC002, a Determination of Applicability (DOA) under Municipal Waste General Permit WMGM027 for Creative Fuels, LLC located in the City of Reading, **Berks County**. This General Permit is for the acceptance and beneficial use of alternative fuel material at Evergreen Community Power located at 800 South Street, Reading, PA 19602. The DOA was issued by the Southcentral Regional Office on July 9, 2010.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

GP3-15-0055: Limestone Properties, LLC (1020 Broad Run Road, Landenberg, PA 19350) on July 7, 2010, to operate a portable nonmetallic mineral processing plant in Avondale Borough, **Chester County**.

GP3-15-0056: Limestone Properties, LLC (1020 Broad Run Road, Landenberg, PA 19350) on July 7, 2010, to operate a portable nonmetallic mineral processing plant in Avondale Borough, **Chester County**.

GP3-15-0054: Limestone Properties, LLC (1020 Broad Run Road, Landenberg, PA 19350) on July 7, 2010, to operate a portable nonmetallic mineral processing plant in Avondale Borough, **Chester County**.

GP9-15-0006: Limestone Properties, LLC (1020 Broad Run Road, Landenberg, PA 19350) on July 7, 2010, to operate a diesel fuel-fired internal combustion engine(s) Avondale Borough, **Chester County**.

GP9-15-0007: Limestone Properties, LLC (1020 Broad Run Road, Landenberg, PA 19350) on July 7, 2010, to operate a diesel fuel-fired internal combustion engine(s) Avondale Borough, **Chester County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

40-399-068GP5: Encana Oil & Gas (USA), Inc. (370 17th Street, Suite 1700, Denver, CO 80202) on July 2, 2010, to construct and operate of a Natural Gas Compressor Station at the site located in Fairmount Township, **Luzerne County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP5-30-00192: Coal Gas Recovery, LLC (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on July 8, 2010, to allow installation and operation of a natural gas-fired compressor engine rated at 425 bhp under GP-5 for coal bed methane extraction at the DFM-8/9 Site, in Center Township, **Greene County**.

GP5-63-00951: Rice Drilling B, LLC (171 Hillpointe, Drive, Suite 301, Canonsburgh, PA 15317) on July 1, 2010, to authorize construction and operation of one Ajax natural gas compressor engine rated at 384 hp, at their Sims compressor Station in Amwell Township, **Washington County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

GP5-33-169A: Consol Gas Co.—Hudson Compressor Station (McGees Mills, Punxsutawney, PA 15767) on July 7, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Punxsutawney Borough, **Jefferson County**. This permit was previously permitted under Dominion Exploration & Production, Incorporated.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

46-0054B: Abington Memorial Hospital (1200 Old York Road, Abington, PA 19001) on July 7, 2010, to construct one unit of natural gas-fired cogeneration system, rated at 39.47 mmBtu/hr (combined power and heat) in Abington Township, **Montgomery County**.

This facility is a non-Title V facility (Synthetic Minor). This construction will not result in an emission increase of total facility-wide limit for nitrogen oxides (NOx) being emitted into the atmosphere. The Plan Approval will contain monitoring requirements, recordkeeping requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

35-322-010A: Alliance Sanitary Landfill, Inc. (398 South Keyser Avenue, Taylor, PA 18517) on June 24, 2010, for administrative changes to their two enclosed flares and a candle flare at their site in Taylor and Old Forge Boroughs, **Lackawanna County**.

48-399-065: Dixie Consumer Products, LLC (605 Kuebler Road, Easton, PA 18040-9281) on June 28, 2010, to install new cup forming machines at their facility in Forks Borough, **Northampton County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

09-0198: Mount Materials, LLC (427 South White Horse Pike, Berlin, NJ 08009) on July 2, 2010, to operate a diesel-fired internal combustion engine(s) in Falls Township, **Bucks County**.

46-0162A: Hammond Lead Products, Inc. (10 South Grosstown Road, Pottstown, PA 19464) on July 2, 2010, to operate two exhaust points in West Pottsgrove Township, **Montgomery County**.

46-0262A: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) on July 2, 2010, to operate the dust collector(s) Hatfield Township, **Montgomery County**.

46-0221A: Upper Moreland-Hatboro JSA (2875 Terwood Road, Willow Grove, PA 19090) on June 29, 2010, to operate three scrubbers in Upper Moreland Township, **Montgomery County**.

15-0039A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on July 2, 2010, to operate a dryer burner in East Caln Township, **Chester County**.

15-0054B: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on July 2, 2010, to operate a dryer burner in East Whiteland Township, **Chester County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00018: RR Donnelley (100 American Drive Quakertown, PA 18592) on July 9, 2010, for operation of a

printing facility in Richland Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The major sources of air emissions are nine lithographic printing presses, four UV cure printing presses and two natural gas-fired boilers. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00269: Yellow Book USA, Inc. (2201 Renaissance Boulevard, King of Prussia, PA 19406) on July 13, 2010, for operation of three emergency generators at their facility in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap Nitrogen Oxide (NOx) to less than 25 tons per year; therefore the facility is a Synthetic Minor. The permit incorporates the plan approvals covering the generators, Nos. 46-0269 and 46-0269A. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00201: Kirk & Nice Funeral Home and Crematory (80 Stenton Avenue, Plymouth Meeting, PA 19462) on July 13, 2010, for operation of a human crematory unit in Whitemarsh Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. The major source of air emissions is: one crematory unit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

40-00074: Altec Industries, Inc. (250 Laird Street, Plains, PA 18705-3821) on July 7, 2010, to renew the State-only Permit to operate a spray coating operation of vehicle bodies at their facility in Plains Township, **Luzerne County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Braun, Chief—Telephone: 215-685-9476.

N10-002: Hillock Anodizing, Inc. (5101 Comly Street, Philadelphia, PA 19135) for operation of an anodizing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a No. 2 oil 1.358 MMBTU/hr boiler, 8 chromic acid tanks and 5 nickel tanks used for the anodizing process.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

15-00099: SMS Mill Services Coatesville, LLC (South 1st Avenue, Coatesville, PA 19320) on July 7, 2010, for their facility in South Coatesville Borough, **Chester County**. This State-only operating permit was administratively amended due to a change of ownership. The amended operating permit is for only ferrocut scrap cutting torch (Source ID 102) and the two baghouses (ID C01 and C02).

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

10-00300: Spang & Co.-Magnetics Division (110 Delta Drive, P. O. Box 11422, Pittsburgh, PA 15238-0422) for their facility in East Butler Borough, **Butler County**.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
6/22/10	Kool Mu Insulating Barrels (11)	0.48	0	0	0	0
Total Reported Increases		0.48	0	0	0	0
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

03871303 and NPDES Permit # PA0213667, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201) to revise the permit for the Darmac No. 2 Deep Mine in Plumcreek Township, **Armstrong County** and Washington and Armstrong Townships, **Indiana County** to add underground permit and subsidence control plan area acres and to delete and correct permitted acreage. Underground Acres Proposed 712.0, Subsidence Control Plan Acres Proposed 712.0. No additional discharges. Application received: January 4, 2010. Permit issued: July 1, 2010.

32743710 and NPDES Permit # PA0214884, Helvetia Coal Company, (P. O. Box 219, 400 Overview Drive, Shelocta, PA 15774) to renew the permit for the Refuse Disposal Area No. 1 in Center Township, **Indiana County** and related NPDES permit for reclamation only. No additional discharges. Application received: October 16, 2009. Permit issued: July 1, 2010.

The De minimis emission increase is for the replacement of the four existing small barrels (450 pounds/barrel) with six large barrels (800 pounds/barrel) for a total of eleven. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department of Environmental Protection hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the State-only Operating Permit issuance on June 15, 2005.

30001301 and NPDES Permit # NA, Dana Mining Company of PA, LLC, (308 Dents Run Road, Morgantown, WV 26501) to revise the permit for the Crawdad Portal B Mine in Dunkard and Perry Townships, **Greene County** to add underground permit and subsidence control plan area acres and to delete 71.6 acres in a separate area from the underground permit and subsidence control plan boundary. Underground Acres Proposed 11.3, Subsidence Control Plan Acres Proposed 11.3. No additional discharges. Application received: March 27, 2009. Permit issued: July 7, 2010.

32101701 and NPDES Permit # PA0235890, Keystone Coal Mining Corporation, (P. O. Box 219, 400 Overview Drive, Shelocta, PA 15774) to operate the O'Donnell No. 4/Manor No. 8 Treatment System in Washington Township, **Indiana County** and related NPDES permit for post-mining water treatment. Application received: February 3, 2010. Permit issued: July 7, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

63090102 and NPDES Permit No. PA0251666, Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site located in Somerset Township, **Washington County**, affecting 82.3 acres. Receiving streams: unnamed tributaries to Center Branch of Pigeon Creek to Pigeon Creek to Monongahela River. Application received: May 7, 2009. Permit issued: July 6, 2010.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

10000103 and NPDES Permit No. PA0241776, Seneca Landfill, Inc. (P. O. Box 1080, Mars, PA 16046) Renewal of an existing bituminous strip operation in Jackson and Lancaster Townships, **Butler County** affecting 281.1 acres. Receiving streams: Unnamed tributary to Connoquenessing Creek. Application received: April 8, 2010. Permit Issued: July 1, 2010.

61050101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous strip operation to change the post-mining land use from forestland to residential on the Cecelia A.

Settlemyre property in Irwin Township, **Venango County**. Receiving streams: Unnamed tributary to Gilmore Run. Application received: April 27, 2010. Permit Issued: July 6, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17080116 and NPDES No. PA0256978. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661). Commencement, operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 42.0 acres. Receiving stream(s): Clearfield Creek, unnamed tributary to Clearfield Creek classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: November 10, 2008. Permit issued: July 6, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

40920102R3. Susquehanna Coal Company, (P. O. Box 27, Nanticoke, PA 18634) renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 1325.0 acres, receiving stream: none. Application received: June 8, 2009. Renewal issued: July 12, 2010.

Noncoal Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

27100801. Ralph A. Kline (4177 Neilltown Road, Pleasantville, PA 16341). Commencement, operation and restoration of a small noncoal sandstone operation in Harmony Township, **Forest County** affecting 5.0 acres. Receiving streams: Dawson Run. Application received: June 22, 2010. Permit Issued: July 8, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

6774SM1 and NPDES No. PA0594695. National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Perry Township, **Snyder County**. Receiving stream: North Branch Mahantango Creek classified for Trout Stocked Fishery. Application received: March 5, 2010. Permit issued: June 30, 2010.

17860301 and NPDES No. PA0115550. North Star Aggregates, Inc. (P. O. Box 51, 12933 Bennetts Valley Highway, Penfield, PA 15849). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Huston Township, **Clearfield County**. Receiving streams: Bennett Branch to Sinnemahoning Creek classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 2, 2010. Permit issued: June 30, 2010.

53102804. Jerome Eckert (269 Route 6 West, Galeton, PA 16922), commencement, operation and restoration of a bluestone operation in Sweden Township, **Potter County** affecting 5.0 acres. Receiving stream(s): Mill Creek and Allegheny River. Application received: April 28, 2010. Permit issued: July 6, 2010.

53102802. Jerome Eckert (269 Route 6 West, Galeton, PA 16922), commencement, operation and restoration of a bluestone operation in Sweden Township, **Potter County** affecting 5.0 acres. Receiving stream(s): Mill Creek and Allegheny River. Application received: April 14, 2010. Permit issued: July 6, 2010.

53102803. Jerome Eckert (269 Route 6 West, Galeton, PA 16922), commencement, operation and restoration of a bluestone operation in Sweden Township, **Potter County** affecting 5.0 acres. Receiving stream(s): Mill Creek and Allegheny River. Application received: April 14, 2010. Permit issued: July 6, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

40100801. Piacenti Trucking & Excavating, Inc., (Rear 538 Putnam Street, West Hazleton, PA 18202) commencement, operation and restoration of a quarry operation in Butler Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received: April 14, 2010. Permit issued: July 8, 2010.

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103.

58101001. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630) authorization to extract stone in Auburn Township, **Susquehanna County** to construct gas well pads for Chesapeake-Koromlan Project, receiving stream: Little Meshoppen Creek. Authorization approved: July 8, 2010.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

65104006. Kesco, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for the construction of the Mills Point Shopping Mall, located in North Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to last 60 days. Blasting permit issued: June 6, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

36104101. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543) construction blasting for Dan Smocker manure pit in Paradises Township, **Lancaster County** with an expiration date of August 30, 2010. Permit issued: July 2, 2010.

64104104. ER Linde Construction Corp., (9 Collan Park, Honesdale, PA 18431) construction blasting for Silkwood Utility Expansion Project in Hawley Borough, **Wayne County** with an expiration date of June 30, 2011. Permit issued: July 6, 2010.

64104106. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435) construction blasting for Linde Corp. in Texas Township, **Wayne County** with an expiration date of July 1, 2011. Permit issued: July 6, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Floodplain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1–691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401.

E51-239. City of Philadelphia—Airmount Park, 2929 Arch Street, 13th Floor, Philadelphia, PA 19102, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain the proposed pedestrian bridge over CSX Railroad tracks linking the Schuylkill River Park and the existing Schuylkill River Trail. The bridge will be 10 feet wide, and the west side ramp piers,

abutment and embankment construction will be located in the 100-year floodplain of the Schuylkill River (WWF, MF). The site is located along the Schuylkill River near 25th and Spruce Streets (Philadelphia, PA USGS Quadrangle N: 5.25 inches; W: 3.35 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

E15-798. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, West Nottingham Township, **Chester County**, ACOE Philadelphia District.

To remove the existing Lees Road Bridge and to construct and maintain, in its place, an approximately 28-foot long, 45-foot wide, and approximately 4.3-foot minimum high single span prestressed concrete bridge across Black Run (TSF, MF).

The site is located approximately 150 feet south of the intersection of Sand Hill Road and Lees Roads (SR 3014) in West Nottingham Township, Chester County (Rising Sun, PA USGS Quadrangle N: 22.5 inches; W: 8.85 inches).

E46-953. Montgomery County, 55 East Marshall Street, Norristown, PA 19401-4818, Lower Salford Township, **Montgomery County**, ACOE Philadelphia District.

To reissue the Permit No. E46-953 which authorized the construction and maintenance of a new bridge adjacent to and upstream of an existing deteriorated bridge (County Bridge No. 147) carrying Freeman School Road over East Branch of Perkiomen Creek (TSF). The proposed bridge will be a single-span composite steel structure with a span of 129 feet, 10 inches, a total roadway width of 36 feet, 3 inches, underclearance of 10 feet, 9 inches and a skew of 70 degrees. This permit also authorized the operation and maintenance of the existing bridge consisting of a single-span with a span of 112 feet, roadway width 17 feet, underclearance of 10 feet, 3 inches, and the skew of 90 degrees. The existing bridge has been repaired and will be retained to serve as part of the Township Trail System. Work will also include 280 linear feet of R-8 riprap scour protection along both bridges. The site is located about 200 feet southwest of the intersection of Indian Creek and Freeman School Roads (Perkiomenville, PA USGS Quadrangle N: 5.4 inches; W: 4.88 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

E67-854: White Rock Commercial, LLC, 1501 LBJ Freeway, Suite 550, Dallas, TX 75234. Susquehanna Trail Distribution Center, in Manchester Township, **York County**, Baltimore ACOE District.

To: 1) permanently fill five wetland areas totaling 2.01 acres of palustrine emergent (PEM) wetlands and 0.09 acre of PEM/palustrine forested (PEM/PFO) wetlands; 2) place 3,733.0 cubic yards of fill in 1,775.0 linear feet of an unnamed tributary to Little Conewago Creek (TSF, MF); 3) relocate and maintain a combined total of 2,314.0 linear feet of unnamed tributaries to Little Conewago Creek (TSF, MF); and 4) install and maintain an 8.0-inch diameter waterline in and across an unnamed tributary to Little Conewago Creek (TSF, MF). The purpose of the project is to construct a 708,000 square foot warehouse/distribution building, associated parking facilities and stormwater management facilities. The permit authorizes

permanent impacts to a total of 2.10 acres of wetlands and 4,089.0 linear feet of stream channel. The project is located west of Interstate 83 and east of the intersection of Bear Road and North Susquehanna Trail (York Haven, PA Quadrangle N: 6.92 inches; W: 17.41 inches, Latitude: 40° 02' 17.1"; Longitude: 76° 44' 57.7") in Manchester Township, York County. The permittee is required to construct a minimum of 2.19 acres of replacement wetlands. The permittee proposes to construct 2.59 acres of replacement wetlands; 1.0 acre is to be located at a site directly north of the intersection of SR 0194 and Rife Road (Abbottstown, PA Quadrangle Latitude: 39° 56' 53.2"; Longitude: 76° 58' 30.3") in Washington Township York County, and the remaining 1.59 acres to be located at a site along Bull Road (Dover, PA Quadrangle Latitude: 40° 01' 26.2"; Longitude: 76° 49' 14.8") in Conewago Township, York County. The permittee shall also protect 1,800 linear feet of wooded corridor along Little Conewago Creek (TSF, MF) through dedication of a restrictive covenant.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-621. Department of General Services, Bureau of Engineering and Architecture, Room 201, 18th and Herr Streets, Harrisburg, PA 17125. To place and maintain fill in wetlands in North Bethlehem Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 2.3 inches; W: 0.75 inches, Latitude: 40° 8' 15"; Longitude: 80° 7' 49"). To place and maintain fill in 0.087 acre of wetlands and in approximately 788 linear feet of unnamed tributaries to Little Chartiers Creek (HQ-WWF) for the purpose of construction of the Department of Transportation maintenance facility and State Police Barracks located along SR 519. Stream mitigation for the 788 linear feet of stream channel loss will be mitigated by providing a low flow channel stream relocation of 649 linear feet and 139 linear feet of stream bank plantings. The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E43-351, Eric Davis, 3 Pulaski Mercer Road, Pulaski, PA 16143, Pittsburgh ACOE to construct and maintain a 20 ft long by 12 ft wide bridge over an unnamed tributary to the Shenango River to access a private residence and place fill for the bridge approaches in the floodway of the unnamed tributary to the Shenango River.

E43-352, City of Hermitage, Marcia Hirschmann, 800 North Hermitage Road, Hermitage PA 16148, Pittsburgh ACOE.

To construct and maintain a 50ft. by 8ft. wooden pedestrian bridge over a tributary to Pine Hollow Run (West Branch Pine Hollow or Indian Runs WWF) parallel to SR 18 and to construct and maintain approximately 1,800 ft. of stream restoration within the tributary to Pine Hollow Run for the purposes of streambank stabilization and establishment of floodplains and riparian buffers. The proposed stream restoration consists of channel relocation and the installation of cross vanes, sawtooth deflectors, rock boulder cascade, boulder wall and rock armor beginning at a point on SR 18 approximately 300 ft. north of the intersection of SR 18 and SR 62 and ending at a point behind Hermitage Schools.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D31-034EA. New Enterprise Stone and Lime Co., Inc., P. O. Box C, Tyrone, PA 16686. Warriors Mark Township, **Huntingdon County**, ACOE Baltimore District. Project proposes to breach and remove Wolf Mill Dam across a tributary to Logan Spring Run (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 250 linear feet of stream channel. The dam is located approximately 250 feet southeast of the intersection of SR 550 and Ridge Road (SR 4025) (Tyrone, PA Quadrangle Latitude: 40° 40' 35"; Longitude: -78° 12' 24").

D11-001EA. Spangler Municipal Authority, 1202 Philadelphia Street, Northern Cambria, PA 15714-0488. Barr Township, **Cambria County**, ACOE Pittsburgh District. Project proposes to breach and remove Big Brown Dam across Browns Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 850 feet of stream channel. The dam is located approximately 3,900 feet northeast of the intersection of SR 553 and SR 271 (Colver, PA Quadrangle Latitude: 40° 37' 03"; Longitude: -78° 46' 54").

D14-131EA. Department of Conservation and Natural Resources, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17101-8552. Rush Township, **Centre County**, ACOE Baltimore District. Project proposes to breach and remove Dayton Dam across Six Mile Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 linear feet of stream channel. The dam is located approximately 900 feet northwest of the intersection of Six Mile Road and Wolf Rock Road (Port Matilda, PA Quadrangle Latitude: 40° 51' 42"; Longitude: -78° 06' 59").

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 # ESX10-027-0008

Applicant Name Range Resources—Appalachia, LLC
Contact Person Carla Suszkowski
Address 380 Southpointe Boulevard, Suite 300
City, State, Zip Cannonsburg, PA 15317
County Centre
Township(s) Snowshoe Township
Receiving Stream(s) and Classification(s) North Fork
Beech Creek

ESCGP-1 # ESX10-117-0134

Applicant Name East Resources, Inc.
Contact Person Jefferson Long
Address 301 Brush Creek Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Deerfield Township
Receiving Stream(s) and Classification(s) UNT to
Cowanessque River
Secondary—Conwanessque River

ESCGP-1 # ESX10-131-0020

Applicant Name Carrizo Marcellus, LLC
Contact Person
Address 579 Hoffman Drive
City, State, Zip Karthaus PA 16845
County Wyoming
Township(s) Washington Township
Receiving Stream(s) and Classification(s) UNT to Meshopen Creek

ESCGP-1 # ESX10-015-0168

Applicant Name Talisman Energy USA, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Pike Township
Receiving Stream(s) and Classification(s) UNT to Mill Creek, UNT to Rockwell Creek

ESCGP-1 # ESX10-015-0163

Applicant Name Talisman Energy USA, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Orwell Township
Receiving Stream(s) and Classification(s) South Creek

ESCGP-1 # ESX10-015-0164

Applicant Name Talisman Energy USA, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Pike Township
Receiving Stream(s) and Classification(s) UNT to Cold Creek, UNT to Rockwell Creek

ESCGP-1 # ESX10-015-0167

Applicant Name Talisman Energy USA, Inc.
Contact Person Eric Potter

Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford and Susquehanna Township(s) Pike Township (Bradford), Middletown Township (Susquehanna)
Receiving Stream(s) and Classification(s) UNT to Gaylord and Ross Creeks

ESCGP-1 # ESX10-015-0174

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Wilmot Township
Receiving Stream(s) and Classification(s) North Fork
Mehoopany Creek
Secondary—Mehoopany Creek

ESCGP-1 # ESX10-015-0138

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Asylum Township
Receiving Stream(s) and Classification(s) UNT of Ellis Creek
Secondary—Ellis Creek

ESCGP-1 # ESX10-115-0022

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Susquehanna
Township(s) Rush Township
Receiving Stream(s) and Classification(s) UNT to Wyalusing Creek and UNT to Deer Lick Creek
Secondary—East Branch Wyalusing Creek

ESCGP-1 # ESX10-115-0012(01)

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Susquehanna
Township(s) Auburn Township
Receiving Stream(s) and Classification(s) Nick Creek/Riley Creek

ESCGP-1 # ESX10-015-0160

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Rome Township
Receiving Stream(s) and Classification(s) UNT to Laning Creek
Secondary—Laning Creek

ESCGP-1 # ESX10-015-0171

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Albany Township
Receiving Stream(s) and Classification(s) Sugar Run
Secondary—UNT of Sugar Run

ESCGP-1 # ESX10-015-0153

Applicant Name Appalachia Midstream, Services, LLC
 Contact Person Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Asylum and Monroe Townships
 Receiving Stream(s) and Classification(s) UNT to South
 Branch Towanda, Bennetts Creek and Ellis Creeks

ESCGP-1 # ESX10-015-0140

Applicant Name Appalachia Midstream, Services, LLC
 Contact Person Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) West Burlington Township
 Receiving Stream(s) and Classification(s) Sugar Creek

ESCGP-1 # ESX10-015-0173

Applicant Name Southwestern Energy Production
 Company
 Contact Person Brian Bilello
 Address 2350 North Sam Houston Parkway East,
 Suite 125
 City, State, Zip Houston, TX 77032
 County Bradford
 Township(s) Stevens and Herrick Townships
 Receiving Stream(s) and Classification(s) Cold Creek

ESCGP-1 # ESX10-079-0002(02)

Applicant Name EnCana Oil & Gas (USA), Inc.
 Contact Person Brenda Linster
 Address 370 17th Street, Suite 1700
 City, State, Zip Denver, CO 80202
 County Luzerne
 Township(s) Fairmount Township
 Receiving Stream(s) and Classification(s) Kitchen Creek
 Secondary—Maple Run

ESCGP-1 # ESX10-079-0004

Applicant Name EnCana Oil & Gas (USA), Inc.
 Contact Person Brenda Linster
 Address 370 17th Street, Suite 1700
 City, State, Zip Denver, CO 80202
 County Luzerne
 Township(s) Fairmount Township
 Receiving Stream(s) and Classification(s) Kitchen Creek,
 Fishing Creek
 Secondary—Coles Creek and Maple Run

ESCGP-1 # ESX10-115-0027

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Susquehanna
 Township(s) Rush Township
 Receiving Stream(s) and Classification(s) UNT to Lake
 Stream, Lake Stream
 Secondary—East Branch Wyalusing Creek

ESCGP-1 # ESX10-081-0039

Applicant Name XTO Energy, Inc.
 Contact Person Bernhardt Kissel
 Address 395 Airport Road
 City, State, Zip Indiana, PA 15701
 County Lycoming
 Township(s) Moreland Township

Receiving Stream(s) and Classification(s) Broad Run and
 Little Sugar Run
 Secondary—Muncy and Little Muncy Creeks

ESCGP-1 # ESX10-115-0024

Applicant Name Appalachia Midstream Services, LLC
 Contact Person Mr. Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna and Wyoming
 Township(s) Auburn Township (Susquehanna); Meshop-
 pen Township (Wyoming)
 Receiving Stream(s) and Classification(s) Benniger,
 Carter, Little Meshoppen and Black Walnut Creeks and
 several UNTs

ESCGP-1 # ESX10-079-0002(03)

Applicant Name EnCana Oil & Gas (USA), Inc.
 Contact Person Brenda Linster
 Address 370 17th Street, Suite 1700
 City, State, Zip Denver, CO 80202
 County Luzerne
 Township(s) Fairmount Township
 Receiving Stream(s) and Classification(s) Maple Run to
 Kitchen and Pine Creeks, Marsh Run
 Secondary—Maple Run

ESCGP-1 # ESX10-117-0139

Applicant Name Seneca Resources Corp.
 Contact Person Doug Kepler
 Address 51 Zents Boulevard
 City, State, Zip Brookville, PA 15825
 County Tioga
 Township(s) Bloss Township
 Receiving Stream(s) and Classification(s) Red Run, Tribu-
 tary to Sand and Boone Runs/West Branch
 Susquehanna River
 Secondary—Lick Creek, Sand and Boone Runs

ESCGP-1 # ESX10-131-0019

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Wyoming and Susquehanna
 Township(s) Braintrim and Meshoppen Townships,
 Wyoming; Auburn Township, Susquehanna
 Receiving Stream(s) and Classification(s) UNT to Black
 Walnut Creek

ESCGP-1 # ESX10-015-0172

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Burlington Township
 Receiving Stream(s) and Classification(s) Slater Hollow
 Secondary—Bailey Run

ESCGP-1 # ESX10-115-0025

Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Susquehanna
 Township(s) Rush Township
 Receiving Stream(s) and Classification(s) UNT 1 and
 UNT 2 of Elk Lake Stream
 Secondary—Elk Lake Stream

ESCGP-1 # ESX10-115-0026
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Susquehanna
 Township(s) Auburn Township
 Receiving Stream(s) and Classification(s) UNT to
 Tuscarora Creek
 Secondary—Susquehanna River

ESCGP-1 # ESX10-131-0021
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Wyoming
 Township(s) Windham Township
 Receiving Stream(s) and Classification(s) UNT of
 Susquehanna River
 Secondary—Susquehanna River

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10-67-007	Royal Farms/Two Farms, Inc. 3611 Roland Avenue Baltimore, MD 21211 Attn: Rob Rinehart	York	Dover Township	4 ASTs storing petroleum products	40,000 gallons total

SPECIAL NOTICES

DRINKING WATER STATE REVOLVING FUND

Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C.A. § 300f, et seq.

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>Mun. / County</i>
Lehigh County Authority	10 53 Spruce Street Allentown, PA 18106	11 Various Townships Lehigh and Northampton Counties

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Lehigh County Authority proposes to replace 6,000 residential water meters that are older than 20-years and have reached the end of their useful life with new meters equipped with radio transmitters. The project will also replace 3,100 meters that are less than 20-years old but are not currently equipped with radio transmitters. The meters are located in 11 counties within Lehigh and Northampton Counties. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the project for Categorical Exclusion.

[Pa.B. Doc. No. 10-1329. Filed for public inspection July 23, 2010, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Cancellation

The Air Quality Technical Advisory Committee meeting scheduled for Thursday, August 5, 2010, has been cancelled. Currently, the next meeting is scheduled for Thursday, October 21, 2010, in Room 105 of the Rachel Carson State Office Building at 9:15 a.m. For information, contact Arleen Shulman at ashulman@state.pa.us or (717) 772-9495. The agenda and meeting materials for future meetings will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb>.

state.pa.us (DEP Keyword: "Air Quality Technical Advisory Committee").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Shaniqua Smith at (717) 772-4978 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1330. Filed for public inspection July 23, 2010, 9:00 a.m.]

Bid Opportunity

OSM 24(0515)101.1, Abandoned Mine Reclamation Project, Weedville, Jay Township, Elk County. The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; 582,120 cubic yards of grading; 66,500 cubic yards of coal refuse disposal; 6,950 linear feet of brush barrier; 4,200 linear feet of subsurface drain; 6,410 tons of alkaline addition; 931 square yards of rock lining with filter material and 56 acres of seeding. This bid issues July 23, 2010, and bids will be opened on August 24, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 act (30 U.S.C.A. §§ 1201—1328), and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1331. Filed for public inspection July 23, 2010, 9:00 a.m.]

Bid Opportunity

OSM 35(1748)102.1, Abandoned Mine Reclamation Project, Riverside East, Archbald and Jessup Boroughs, Lackawanna County. The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; 279,500 cubic yards of grading; 2,125 cubic yards of drainage excavation; removal of asbestos materials, creosote timber walls and underground storage tank; temporary sedimentation basin; 19.5 acres of seeding and 800 each of shrub and tree planting. This bid issues July 23, 2010, and bids will be opened on August 24, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 act (30 U.S.C.A. §§ 1201—1328), and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1332. Filed for public inspection July 23, 2010, 9:00 a.m.]

Mine Families First Response and Communications Advisory Council Meeting

The Mine Families First Response and Communications Advisory Council will hold a meeting on September 13, 2010, at 3 p.m. in the Lancaster Host Hotel and Conference Center in Lancaster, PA. The meeting is to be held in conjunction with the PEMA Emergency Management Conference.

Questions concerning this schedule or agenda items can be directed to Allison Gaida at (724) 439-7289 or agaida@

state.pa.us. This schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1333. Filed for public inspection July 23, 2010, 9:00 a.m.]

Proposed Variance from the Volatile Organic Compound Emission Standards for Consumer Products; Reckitt Benckiser Variance Application for Air Wick® Freshmatic® Single-Phase Aerosol Air Freshener; Public Hearings

Reckitt Benckiser (Reckitt) has submitted a variance application, dated June 16, 2010, to the Department of Environmental Protection (Department) for a variance from the volatile organic compound (VOC) limits in 25 Pa. Code § 130.211 (relating to table of standards) for single-phase aerosol air fresheners. The application was submitted in accordance with 25 Pa. Code § 130.411 (relating to application for variance). The application must address the specific grounds upon which the variance is sought, the proposed date by which compliance with 25 Pa. Code § 130.211 will be achieved and a compliance report detailing the methods by which compliance will be achieved. The Department will not grant a variance unless the applicant demonstrates in writing to the Department's satisfaction that:

(1) Because of reasons beyond the reasonable control of the applicant, requiring compliance with 25 Pa. Code § 130.211 would result in extraordinary economic hardship.

(2) The public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding increased emissions of air contaminants that would result from issuing the variance.

(3) The compliance program proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

Reckitt states in its application that it is temporarily unable to comply with the VOC content limit (30% by weight) specified in 25 Pa. Code § 130.211 for its Air Wick® Freshmatic™ (AWF) air freshener product because ExxonMobil has ceased supplying consumer product manufacturers with diluent Isopar™ due to the urgent need for dispersants to fight the Deepwater Horizon oil spill in the Gulf of Mexico. Reckitt stated that, due to market demands, it is unable to suspend distribution of AWF products while it develops and implements an alternative formulation without incurring extraordinary hardship. Reckitt has requested a variance to allow the manufacture and distribution of the Canadian formulation of AWF, which exceeds 30% VOC by weight, until the earliest of: (1) the completion of an alternate formulation

of AWF that meets the 30% VOC emission standard, including the time necessary to qualify the alternate formulation and secure a reliable supply; (2) the resumption of supply and distribution of Isopar™ in sufficient quantities to meet Reckitt's production needs; or (3) December 31, 2010. Reckitt stated it intends to provide regular status reports to inform the Department of how much of the higher VOC Canadian formula has been shipped to this Commonwealth and when one of the first two deadlines is likely to be triggered. Reckitt provided an estimate that distribution of the Canadian formula of AWF would result in approximately 14.1 tons of excess VOC per month in this Commonwealth beyond the regulatory limit, based on normal historic sales volumes.

Availability of Documents

Reckitt's application for variance and the Department's proposed Variance Order are available from Ronald Gray, Acting Chief, Division of Compliance and Enforcement, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, rongray@state.pa.us. Reckitt's application for variance and the Department's proposed Variance Order are also available on the Department's web site: www.depweb.state.pa.us (Subjects, Air Quality, Regs/Plans, Clean Air Plans).

Public Hearings

In accordance with 25 Pa. Code § 130.471 (relating to public hearings), the Department will hold three public hearings to take public comment on the application for a variance and the proposed issuance of a variance order. Specifically, the Department is seeking comment on the following:

- (1) Whether a variance from the requirements in 25 Pa. Code § 130.211 is necessary.
- (2) Under what conditions a variance from the requirements in 25 Pa. Code § 130.211 is necessary.
- (3) To what extent a variance from the requirements in 25 Pa. Code § 130.211 is necessary.

The public hearings will begin at 1 p.m. as follows:

August 24, 2010	Northwest Regional Office 1st Floor Conference Room B 230 Chestnut Street Meadville, PA 16335
August 25, 2010	Southcentral Regional Office Susquehanna River Conference Room A 909 Elmerton Avenue Harrisburg, PA 17110
August 26, 2010	Southeast Regional Office Schuylkill River Conference Room 2 East Main Street Norristown, PA 19401

Persons wishing to present testimony at a hearing should reserve a time by contacting Sharon Horne, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9257, shorne@state.pa.us. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Ronald Gray, (717) 772-4482. TDD users should contact the Pennsylvania AT&T Relay

Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written Comments

Written comments should be sent by 12 p.m. on September 25, 2010, to Ronald Gray, Acting Chief, Division of Compliance and Enforcement, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department will accept comments submitted by e-mail at rongray@state.pa.us, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1334. Filed for public inspection July 23, 2010, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Erie County

The Department of General Services (Department) will accept bids for the purchase of 0.48-acre ± of land and building containing 10,985 square feet ±, formerly known as the Corry National Guard Armory located at 215 East Washington Street, City of Corry, Erie County. Bids are due Monday, October 4, 2010. Interested parties wishing to receive a copy of Solicitation No. 94370 should view the Department's web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 10-1335. Filed for public inspection July 23, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Advanced Surgical Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Advanced Surgical Hospital has requested an exception to 28 Pa. Code §§ 107.2, 107.26(2) and 107.62(b) (relating to medical staff membership; additional committees; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1336. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of The Chester County Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Chester County Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.6.2.2.2 (relating to privacy).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1337. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Philadelphia has requested an exception to 28 Pa. Code §§ 113.15 and 147.2 (relating to locked storage; and maintenance of safety and sanitation).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1338. Filed for public inspection July 23, 2010, 9:00 a.m.]

Applications for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthesia explosion hazards):

Advanced Surgical Hospital
Indiana Regional Medical Center
Jersey Shore Hospital
Lock Haven Hospital
Tyrone Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1339. Filed for public inspection July 23, 2010, 9:00 a.m.]

Applications for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Advanced Surgical Hospital, LLC
The Children's Hospital of Philadelphia
Tyrone Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1340. Filed for public inspection July 23, 2010, 9:00 a.m.]

Applications for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions):

Greater Erie Surgery Center, LLC
Southwestern Ambulatory Surgery Center, LLC

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1341. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Four Seasons Endoscopy Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Four Seasons Endoscopy Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which

requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.9-3.2.2.6 (relating to medical gases).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1342. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Frick Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Frick Hospital has requested an exception to 28 Pa. Code § 103.31 (relating to the chief executive officer).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1343. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to 28 Pa. Code § 101.172 (relating to patient limits).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1344. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Hillside Endoscopy, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hillside Endoscopy, LLC has requested an exception to 28 Pa. Code §§ 551.3 and 553.31 (relating to definitions; and administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1345. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.3-3.3.5.8 (relating to soiled workroom).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1346. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to 28 Pa. Code § 105.1 (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1347. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Memorial Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Medical Center has requested an exception to 28 Pa. Code § 107.64 (relating to administration of drugs).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1348. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Penn State Milton S. Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn State Milton S. Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1.3.1(1) and (2) (relating to casting application and removal), 5.3.5.11 (relating to anesthesia workroom) and 5.3.6.2 (relating to staff clothing change areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1349. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Phoenixville Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Phoenixville Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1.5.7 (relating to nourishment area), 3.1.5.8 (relating to ice machine), 3.1.5.10 (relating to clean room), 3.1.5.11 (relating to soiled room), 3.1.5.12 (relating to clean linen room), 3.1.5.13 (relating to janitor's closet) and 3.1.7.1 (relating to visitor toilet).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1350. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Physicians Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Physicians Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1351. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Pinnacle Health Hospitals for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Hospitals has requested an exception to 28 Pa. Code § 51.6 (relating to identification of personnel).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1352. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Pittsburgh Center for Reproductive Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pittsburgh Center for Reproductive Services has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-1.5.2 (relating to layout), 3.7-2.5.5 (relating to sterilizing facilities), 3.7-2.6.2 (relating to staff clothing change area), 3.7-2.7.1.1 (relating to outpatient surgery change areas), 3.7-5.2.1.1 (relating to corridor width) and 3.7-2.5.7.3 (relating to general equipment and supply storage).

The facility is also requesting exception to §§ 551.3 (relating to definitions) and 555.31(a) (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1353. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Roxborough Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Roxborough Memorial Hospital has requested an exception to 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1354. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Select Specialty Hospital—Johnstown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—Johnstown has requested an exception to 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1355. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Select Specialty Hospital—Laurel Highlands for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—Laurel Highlands has requested an exception to 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1356. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of St. Luke's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 5.1.2.5(2) (relating to counter space for writing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1357. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of The Surgery Center at Brinton Lake, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center at Brinton Lake, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1358. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Thomas Jefferson University Hospital—Methodist Division for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Thomas Jefferson University Hospital—Methodist Division has requested an exception to 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1359. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Thomas Jefferson University Jefferson Hospitals for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Thomas Jefferson University Jefferson Hospitals has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.1.3.7 (relating to exam room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1360. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of Triumph Hospital Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Triumph Hospital Philadelphia has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.9-2.2 (relating to examination rooms), 3.9-2.3.2 (relating to patient holding/prep/recovery area), 3.9-2.3.3.5 (relating to equipment storage), 3.9-2.4.1.4 (relating to staff shower), 3.9—2.5.1 (relating to patient change areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1361. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.3.3.3 (relating to Phase II or step-down recovery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1362. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of UPMC Passavant Cancer Center—Beaver for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cancer Center-Beaver has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which

requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.1.1.1(1) (relating to exam spaces), 3.1-5.2.1.1(1) (relating to public corridors) and 2.1-5.9.2.5(2) (relating to hand washing sinks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1363. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of UPMC Presbyterian Shadyside Cancer Center—Moon Township for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside Cancer Center—Moon Township has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.1.1.1(1) (relating to exam spaces), 3.1-5.2.1.1(1) (relating to public corridors) and 2.1-5.9.2.5(2) (relating to hand washing sinks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1364. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of UPMC Presbyterian Shadyside Cancer Center—Natrona Heights for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside Cancer Center—Natrona Heights has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.1.1.1(1) (relating to exam spaces), 3.1-5.2.1.1(1) (relating to public corridors) and 2.1-5.9.2.5(2) (relating to hand washing sinks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1365. Filed for public inspection July 23, 2010, 9:00 a.m.]

Application of UPMC Presbyterian Shadyside Cancer Center—Washington for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that UPMC Presbyterian Shadyside Cancer Center—Washington has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.1.1.1(1) (relating to exam spaces), 3.1-5.2.1.1(1) (relating to public corridors) and 2.1-5.9.2.5(2) (relating to hand washing sinks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1366. Filed for public inspection July 23, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Thursday, August 12, 2010, 10 a.m.—5 p.m., at the Department of Labor and Industry, 651 Boas Street, Room E-100, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department of Labor and Industry's web site at www.dli.state.pa.us. Scroll down and click on the link for UCC Review and Advisory Council.

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-1367. Filed for public inspection July 23, 2010, 9:00 a.m.]

DEPARTMENT OF STATE

Bill Kuzman, a/k/a Veterans for Life, a/k/a Vets for Life, a/k/a Vets 4 Life, a/k/a Vets 4 Vets, a/k/a Vets for Vets; Cease and Desist Order

Bill Kuzman, a/k/a Veterans for Life, a/k/a Vets for Life, a/k/a Vets 4 Life, a/k/a Vets 4 Vets, a/k/a Vets for Vets and all known and unknown officers, directors, principals, shareholders, agents, employees and independent contractors and any entities created by the principal actors after the date of issuance of this order, are ordered to cease and desist from soliciting charitable contributions in this Commonwealth until such time as Bill Kuzman, a/k/a Veterans for Life, a/k/a Vets for Life, a/k/a Vets 4 Life, a/k/a Vets 4 Vets, a/k/a Vets for Vets and all known and unknown officers, directors, principals, shareholders, agents, employees and independent contractors and any entities created by the principal actors after the date of issuance of this order respond to the Bureau of Charitable Organizations' requests for information and duly register or provide information that they are excluded or exempt from registration under the Solicitation of Funds for Charitable Purposes Act (10 P. S. §§ 162.1—162.22).

Individuals may obtain a copy of this order by writing to Doreen Harr, Investigator, Department of State, Bureau of Charitable Organizations, 212 North Office Building, Harrisburg, PA 17120.

BASIL L. MERENDA,
Acting Secretary

[Pa.B. Doc. No. 10-1368. Filed for public inspection July 23, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Westmoreland County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 575(b)), the Director of the Bureau of Design makes the following written finding:

The Department of Transportation is planning to construct Irwin Streetscape Project in Irwin Borough, Westmoreland County.

Information describing the project, with the associated environmental analysis, is contained in the Environmental Document, Section 2002 Evaluation that was prepared for this project. The project will require replacement of

the existing sign at the entrance to the Irwin Park, which is open for use by public from dusk to dawn and qualifies as a Section 2002 resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action for maintaining conformity with the theme of Irwin Streetscape Project.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 10-1369. Filed for public inspection July 23, 2010, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Frank T. Perano v. DEP; EHB Doc. No. 2010-104-L; 6-21-10—Denial NPDES; Renewal Application

Frank T. Perano has appealed the denial by the Department of Environmental Protection of an NPDES permit renewal application to Frank T. Perano for a facility in Tilden Township, Berks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 10-1370. Filed for public inspection July 23, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>		
18-411	Department of Transportation School Bus Drivers	7/7/10	8/19/10		
18-410	Department of Transportation Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers	7/7/10	8/19/10		
16A-6911	State Board of Social Workers, Marriage/Family Therapists and Professional Counselors Code of Ethical Practice and Standards of Professional Conduct	7/14/10	8/19/10		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>WDN</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
2-170	Department of Agriculture Canine Health Board Standards for Commercial Kennels	6/30/10	7/14/10	7/14/10	8/19/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-1371. Filed for public inspection July 23, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for Approval to Redomesticate from Homesite Insurance Company of Pennsylvania

Homesite Insurance Company of Pennsylvania, a domestic stock casualty insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Georgia. The initial filing was made under the requirements set forth under 15 Pa.C.S. §§ 1977 and 1980, 15 P.S. §§ 21205 and 21207 and 40 P.S. § 477e.

Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving the redomestication are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1372. Filed for public inspection July 23, 2010, 9:00 a.m.]

Insurance Services Office, Inc.; Private Passenger Automobile; Alternative Rating Plan; Rate Filing

On July 9, 2010, the Insurance Department (Department) received from Insurance Services Office, Inc. (ISO) a filing for an alternative rating plan to the standard ISO Personal Vehicle Manual rating system.

The model underlying the proposed Risk Analyzer Personal Auto Rating Plan Manual is based on a wide variety of characteristics affecting the risk of loss, such as traffic density, driving patterns, topography and weather. This alternate rating plan is not being filed on behalf of insurers and will not be incorporated into ISO's Personal Vehicle Manual or Personal Auto Program. It is filed for use by insurers who elect to adopt it. The filing is to be effective upon approval.

Unless formal administrative action is taken prior to September 7, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1373. Filed for public inspection July 23, 2010, 9:00 a.m.]

Liberty Mutual Fire Insurance Company; The First Liberty Insurance Corporation; Homeowners; Rate Revision

On July 8, 2010, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company and The First Liberty Insurance Corporation a filing for a rate level change for homeowners insurance.

The companies request an overall 6.1% increase amounting to \$6,524,036 annually, to be effective September 2, 2010, for new business and October 7, 2010, for renewal business.

Unless formal administrative action is taken prior to September 6, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1374. Filed for public inspection July 23, 2010. 9:00 a.m.]

Pennsylvania Contributionship Insurance Company; Homeowners Program; Rate Revision

On July 8, 2010, the Insurance Department (Department) received from Pennsylvania Contributionship Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 5.6% decrease amounting to \$1.4 million annually, to be effective September 1, 2010, for new business and October 15, 2010, for renewal business.

Unless formal administrative action is taken prior to September 6, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1375. Filed for public inspection July 23, 2010. 9:00 a.m.]

State Farm Fire and Casualty Company; Private Passenger Automobile; Rate and Rule Revisions

On July 2, 2010, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.6% increase amounting to \$4,527,983 annually, to be effective November 8, 2010.

Unless formal administrative action is taken prior to August 31, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1376. Filed for public inspection July 23, 2010. 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Private Passenger Automobile; Rate and Rule Revisions

On July 2, 2010, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 0.2% increase amounting to \$2,551,657 annually, to be effective November 8, 2010.

Unless formal administrative action is taken prior to August 31, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1377. Filed for public inspection July 23, 2010, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

**Anthony Jiles, ES-1564 v. Global Tel*Link Corpora-
tion: C-2008-2081566**

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Anthony Jiles, ES-1564 :
 :
 v. : C-2008-2081566
 :
 Global Tel*Link Corporation :

Initial Decision

Before
David A. Salapa
Administrative Law Judge

History of the Proceeding

This decision grants the motion to dismiss the complaint that Anthony Jiles (Complainant) filed with the Pennsylvania Public Utility Commission (Commission) on December 23, 2008 against Global Tel*Link Corporation (Respondent). A complete procedural history of this case is set forth in Administrative Law Judge (ALJ) Louis G. Cocheres' Prehearing Order No. 1, dated June 25, 2009.

On December 23, 2008, the Complainant filed a formal complaint with the Commission against the Respondent. The Complainant alleged: 1) that the Respondent was violating the Telecommunications Act of 1996 and the Public Utility Code; 2) that the Respondent was violating fair trade practices; 3) that the Respondent was violating the Clayton Act; 4) that the Respondent was violating Anti-Kickback Laws; 5) that the Respondent was in violation of forced monopolized purchases; 6) that the Complainant and his family were being deprived by the Respondent of their constitutional right to equal protection; 7) that the Respondent charged higher telephone rates than rates charged to the public; 8) that, when the Complainant bought prepaid phone time, he was paying double taxes; 9) that, by virtue of the Respondent's contract with the Department of Corrections (DOC), the Respondent had a monopoly on providing prisoner telephone service in violation of the Telecommunications Act of 1996 and the Public Utility Code; 10) that the rates charged to the inmates exceeded the cost of providing adequate service; 11) that the DOC received a \$3.00 kickback from the cost of the calls; 12) that the kickback was an incentive to interrupt or cut off the calls and forced the inmate to call again and to incur another surcharge; 13) that the Complainant's family and friends were consumers; 14) that the Respondent, as the sole provider of inmate long distance and local phone service, was violating the Telecommunications Act of 1996 and the Pennsylvania Unfair Trade Practices and Consumer Protection Law; 15) that the contract between the Respondent and the DOC violated federal and state law because inmates and their friends and family could only use the Respondent to communicate; 16) that the Respondent refuses to reimburse the Complainant for disconnected or interrupted calls; 17) that the Respondent does not improve the system in response to his complaints; 18) that the Respondent's system played messages which interrupted the calls and prevented conversations; 19) that inmate calls were wrongly disconnected which caused the inmate to place the calls again; 20) that the Complainant's friends and family suffered losses due to being unable to use any other long distance carrier and having calls interrupted or disconnected; and 21) that friends and family who were not able to use any other long distance provider experienced forced monopolized purchases. For relief, the Complainant requested: 1) that other long distance providers be allowed to offer competitive long distance service to his friends and family; 2) that the Complainant be reimbursed for disconnected and/or interrupted calls made after August 2007; and 3) that future rates be regulated by the Commission and made lower than present rates.

On January 20, 2009, the Respondent filed an answer to the complaint and preliminary objections. The answer denied the allegations set forth in the complaint and asserted that the Commission lacked subject matter

jurisdiction over many of the issues raised in the complaint. The preliminary objections alleged: 1) that the claims about the Equal Protection Clause, lack of competitive alternatives and monitoring and/or interruption of calls failed to state a claim upon which relief could be granted; 2) that the Complainant (as a non-attorney) was not permitted to represent anyone except himself; 3) that the Commonwealth Court of Pennsylvania had already rejected assertions that a lack of competitive alternatives for inmates violated Federal or State law; 4) that the Commission lacked the jurisdiction to interpret the contract between DOC and the Respondent; 5) that the Commission lacked the jurisdiction to fix rates for interexchange competitive carrier inmate services; 6) that the Respondent was a certificated interexchange carrier; 7) that expedient resolution of the objections was in the public interest; and 8) that requiring hearings would result in the unnecessary expenditure of time and resources of the Commission, DOC and the Respondent. The Respondent requested that the Commission dismiss the complaint based on the Complainant's failure to state a cause of action and lack of subject matter jurisdiction.

On February 2, 2009, the Complainant filed a response to the Respondent's preliminary objections, along with several other documents. The responses to the Respondent's preliminary objections denied the assertions in the preliminary objections and renewed the Complainant's requests for relief.

On May 22, 2009, the Respondent filed a motion to compel answers to interrogatories pursuant to 52 Pa. Code § 5.342(g). Attached to the motion to compel is a copy of the interrogatories. The interrogatories request that the Complainant provide the date, time and number called of all the calls he alleges were improperly disconnected, why the Complainant believes the calls were improperly disconnected and the refund the Complainant is seeking for each disconnected call. The interrogatories also request that the Complainant identify all the documents and witnesses he plans to call at hearing.

The motion alleged: 1) that the Respondent's interrogatories were within the scope of permissible discovery; 2) that responses were due on May 18, 2009; 3) that neither objections nor responses had been served; 4) that the interrogatories were all directed to the Complainant's allegations of inadequate service; 5) that the Complainant's allegations of inadequate service were insufficient to enable the Respondent to prepare for the hearing; 6) that researching the Complainant's call records starting in August 2007 was an unreasonable burden; 7) that the Respondent's interrogatories were not promulgated in bad faith and did not cause an unreasonable burden to the Complainant; 8) that the Complainant should not be permitted to use his complaint to force the Respondent to research its records in order to understand his allegations; and 9) that the Complainant should be able to produce facts to substantiate his allegations. The Respondent requested that the Commission order the Complainant to respond to the Respondent's interrogatories.

On June 25, 2009, ALJ Cocheres issued Prehearing Order No. 1. In his Prehearing Order No. 1, ALJ Cocheres sustained most of the Respondent's preliminary objections. However, Prehearing Order No. 1 denied the preliminary objections regarding improperly disconnected calls and ordered the matter set for hearing on the issues of improperly disconnected calls and any refunds that may be owed to the Complainant and any penalties that may be assessed against the Respondent for inadequate or unreasonable service.

With regard to the Respondent's motion to compel answers to interrogatories, ALJ Cocheres granted the Respondent's motion and directed the Complainant to answer the Respondent's interrogatories on or before July 23, 2009. ALJ Cocheres cautioned the Complainant that if he failed to provide full and complete answers to the Respondent's interrogatories, the presiding officer would be authorized to dismiss the complaint. (Prehearing Order No. 1, pg. 11)

On November 13, 2009, the Respondent filed a motion to dismiss the Complainant's complaint. The motion alleged that the Complainant had failed to provide answers to the Respondent's interrogatories. The motion argues that the Complainant's failure to provide answers to its interrogatories violates both Prehearing Order No. 1 and Commission regulations. The motion requests that the Commission dismiss the complaint with prejudice.

On November 18, 2009, the Respondent filed an amended certificate of service. The cover letter accompanying the amended certificate of service states that the mailing label for the Complainant was incorrect and that the Respondent was reserving the motion to dismiss the Complainant's complaint.

On December 3, 2009, the Respondent filed a letter advising the Commission that the Complainant had been released from the State Correctional Institution at Huntingdon. The letter states that the Respondent had been able to effect service on the Complainant in the past at the Minsec Community Correctional Facility in Philadelphia. However, when the Respondent served the motion to dismiss the Complainant's complaint on the Complainant at the Philadelphia address, it was returned as undeliverable. When the Respondent contacted the Minsec facility, it advised the Respondent that the Complainant no longer resided there and would not provide a forwarding address.

This case has been assigned to me as motion judge. As of the date of this order, the Respondent has not advised me that the Complainant has provided full and complete answers to the Respondent's interrogatories. As of the date of this order, the Complainant has not provided the Commission with a current address. For the reasons set forth below, I will dismiss the complaint.

Discussion

The Commission regulations at 52 Pa. Code §§ 5.371 and 5.372 govern sanctions for failure to comply with the Commission's discovery regulations. Those sections read as follows:

5.371. Sanctions—general.

(a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:

(1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

(2) A party deponent or an officer or managing agent of a party refuses to obey or induces another to refuse to obey an order of a presiding officer respecting discovery, or induces another not to appear.

(b) A motion for sanctions may be answered within 5 days of service or, in the alternative, the motion may be answered orally at a hearing if a timely hearing has been scheduled within the same 5-day period.

(c) The presiding officer will rule on the motion as soon as practicable. The motion should be decided within 20 days of its presentation.

(d) A failure to act described in subsection (a) may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has filed an appropriate objection or has applied for a protective order.

§ 5.372. Sanctions—types.

(a) The presiding officer, when acting under § 5.371 (relating to sanctions-general) may make one of the following:

(1) An order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony.

(3) An order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience.

In this case, the Respondent requests that the Commission dismiss the Complainant's complaint because he has failed to provide responses to the Respondent's interrogatories. In his Prehearing Order No. 1, issued June 25, 2009, ALJ Cocheres directed the Complainant to answer the Respondent's interrogatories on or before July 23, 2009. ALJ Cocheres cautioned the Complainant that if he failed to provide full and complete answers to the Respondent's interrogatories, the presiding officer would be authorized to dismiss the complaint. (Prehearing Order No. 1, pg. 11) The Complainant has failed to comply with Prehearing Order No. 1 and has failed to provide any explanation or excuse for his failure to comply with Prehearing Order No. 1.

The Commission has dismissed a complaint without a hearing when the complainant corporation failed to comply with the presiding officer's order to have counsel file a notice of appearance by a date certain. *Snyderville Community Development Corporation v. Philadelphia Gas Works*, Docket No. C-20055032, (Order entered July 31, 2006). In *Snyderville*, the Commission stated that "An ALJ's Orders must be complied with, and such a lack of compliance presents a sufficient basis to dismiss the Complaint without a hearing."

Recently, in *Application of Santos E. Pineda*, Docket No. A-2009-2126367 (Initial decision issued May 19, 2010), ALJ Cynthia Williams Fordham dismissed a protest where the protestant failed to comply with her order directing the protestant to answer the interrogatories of the applicant. ALJ Fordham held that it was appropriate to dismiss the protest where the protestant had not answered the interrogatories, did not answer the applicant's motion for sanctions and did not provide any explanation for its failure to comply with her order. A similar outcome is warranted in this proceeding.

The usual practice is that, if a party fails to comply with an order granting a motion to compel, the opposing party may file a motion for sanctions. Here the Respondent filed a motion for sanctions in the form of a motion to dismiss on November 13, 2009 and has attempted to

serve that motion on the Complainant. The Respondent has been unsuccessful in serving the motion to dismiss.

The Complainant has a duty, pursuant to 52 Pa. Code § 1.53(d), to inform the Commission promptly of changes to his current address. The Complainant has had at least six months since his release from either the State Correctional Institution at Huntingdon or the Minsec Community Correctional Facility in Philadelphia to inform the Commission of his current address but has failed to do so. The Complainant's failure to provide this information in violation of Commission regulations serves as an alternate basis for dismissing his complaint.

Finally, the Complainant has not contacted the Commission, ALJ Cocheres or me regarding the status of his case. The Complainant has taken no action to prosecute his claims or pursue litigation. I conclude that the Complainant's conduct in this case is obstructive to the orderly conduct of the proceeding and contrary to the public interest. Neither the Commission nor the Respondent should be obligated to waste any more time, energy, or money attempting to locate the Complainant in order to either serve a copy of the motion to dismiss on him or to schedule a hearing.

In *Banks, et. al. v. Verizon Pennsylvania, Inc.*, Docket Nos. C-20055229, C-20055230, C-20055234, C-20055236, C-20055242, C-20055245, C-20055249, C-20055251, C-20055252, C-20055253, C-20055254, and C-20055255 (Order entered June 9, 2008), the Commission adopted the initial decision of ALJ Wayne L. Weismandel closing the proceedings without hearing where the complainants had not contacted the Commission in more than two years, had taken no steps to prosecute their claims or pursue litigation and failed to respond to correspondence from ALJ Weismandel stating that their complaints would be deemed withdrawn if they failed to respond to the correspondence. ALJ Weismandel ruled that the complainants' conduct was contrary to efficient use of the administrative adjudicatory process and directed that the complaints be deemed withdrawn and the proceedings closed. I agree with ALJ Weismandel's reasoning and conclude that it is appropriate under the circumstances to dismiss the Complainant's complaint.

The Complainant has failed to comply with a Commission order by failing to provide answers to the Respondent's interrogatories. In addition, the Complainant has failed to comply with 52 Pa. Code § 1.53(d) by failing to provide the Commission with his current address. Finally, the Complainant has not contacted the Commission or taken any further action to prosecute his claims or pursue litigation. For all these reasons, I conclude that it is appropriate to dismiss the complaint. I will direct that a copy of this initial decision be published in the *Pennsylvania Bulletin* in order to serve the Complainant by publication pursuant to 52 Pa. Code § 1.53(e).

Conclusions of Law

1. The Commission has jurisdiction over the parties and subject matter in this proceeding.

2. A party's failure to answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has filed an appropriate objection or has applied for a protective order. 52 Pa. Code § 5.371.

3. The presiding officer, when acting under 52 Pa. Code § 5.371, may enter a judgment against the disobedient party or individual advising the disobedience. 52 Pa. Code § 5.372(3).

4. The Commission can dismiss a complaint without a hearing when the party fails to comply with the presiding officer's order.

5. A party has a duty to inform the Commission promptly of changes to his current address. 52 Pa. Code § 1.53(d).

Order

Therefore,

It Is Ordered That:

1. The motion of Global Tel*Link Corporation to dismiss the complaint at C-2008-2081566 is granted.

2. The complaint of Anthony Jiles, ES-1564 at Docket No. C-2008-2081566 against Global Tel*Link Corporation is dismissed with prejudice for his failure to answer interrogatories as directed by Prehearing Order No. 1, dated June 25, 2009, and his failure to comply with the Commission's regulations governing discovery.

3. The complaint of Anthony Jiles, ES-1564 at Docket No. C-2008-2081566 against Global Tel*Link Corporation is dismissed with prejudice for his failure to inform the Commission of changes to his current address in violation of 52 Pa. Code § 1.53(d).

4. The complaint of Anthony Jiles, ES-1564 at Docket No. C-2008-2081566 against Global Tel*Link Corporation is dismissed with prejudice for his failure to prosecute his claims and his obstructive conduct.

5. The Secretary of the Commission serve a copy of this initial decision on Anthony Jiles, ES-1564 by publication, pursuant to 52 Pa. Code § 1.53(e), by causing a copy of this initial decision to be published in the *Pennsylvania Bulletin*.

6. The record at Docket No. C-2008-2080485 is marked closed.

DAVID A. SALAPA,
Administrative Law Judge

[Pa.B. Doc. No. 10-1378. Filed for public inspection July 23, 2010, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 9, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2010-2186336. Eagle Chauffeured Services, Inc. (77 McCullough Drive, Suite 5, New Castle, DE 19720), as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 11—15 passengers, including the driver, from points in the Counties of Berks, Bucks, Chester, Delaware, Lancaster, Montgomery and Philadelphia, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* James W. Patterson, Esquire, Reger, Rizzo & Darnall, LLP, Cira Centre, 13th Floor, 2929 Arch Street, Philadelphia, PA 19104-2899.

A-2010-2186430. Richard G. Graybeal (5171 Lincoln Highway, Gap, Lancaster County, PA 17527), for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Lancaster, Perry and Dauphin, and from points in said counties, to points in Pennsylvania, and return, which is to be a transfer of all rights authorized under the certificate issued at A-00121399 to Dale W. Reese, subject to the same limitations and conditions.

A-2010-2186555. Lyta Corporation (621 Robbins Avenue, Philadelphia, Philadelphia County, PA 19111), a corporation of the Commonwealth—to transport, by motor vehicle, persons, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire,

Gallagher, Malloy & Georges, 1760 Market Street, Suite 1100, Philadelphia, PA 19103-4104.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2010-2187462. Zonecare USA of Delray, LLC, t/a Optimal Care Transportation & Translation (841 Prudential Drive, Suite 900, Jacksonville, Duval County, FL 32207)—a limited liability corporation of the State of Florida—for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2010-2187505. Thomas E. Governor (203 Shenango Street, Jamestown, Mercer County, PA 16134)—to discontinue service as a common carrier, by motor vehicle, at A-00121181, authorizing the transportation, as a common carrier, by motor vehicle, persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Crawford, and from points in said county, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1379. Filed for public inspection July 23, 2010, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, therefore individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Wilmer Horst	Snyder Perry Township	55.0	Layers	New	Approved
Matt Weiler	Lebanon Jackson Township	164.22	Broilers	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
David Lapp	Lancaster Salisbury Township	85.9	Broilers	New	Approved
Stephen Fisher	Lancaster/ Eden Township	46.87	Cattle	New	Approved

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-1380. Filed for public inspection July 23, 2010, 9:00 a.m.]

Dirt and Gravel Roads Pollution Prevention Maintenance Program

As required by 25 Pa. Code § 83.604(f) (relating to apportionment criteria), the State Conservation Commission (Commission) is providing public notice of the apportionment of Fiscal Year (FY) 2010-2011 Dirt and Gravel Road Pollution Prevention Maintenance Program (Program) funds to participating County Conservation Districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance).

A. Effective Date

This apportionment is effective upon publication in the *Pennsylvania Bulletin*. Allocations will be disbursed when funds are released from the Treasury after July 1, 2010. The final amount and time of release of these allocations are subject to the final passage of the State budget of 2010-2011.

B. Background

The Commission approved the following allocations at their public meeting on May 19, 2010: \$3,528,000.00 of FY 2010-2011 funds are apportioned according to stipulations in 75 Pa.C.S. § 9106(c). Copies of the referenced statement of policy in 25 Pa. Code § 83.604, as published at 28 Pa.B. 4634 (September 12, 1998), and 75 Pa.C.S. § 9106 are available from Karen Ely at the State Conservation Commission Office, Room 310, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

The following allocations are being made to the County Conservation Districts participating in the program. Not all counties receive an allocation as provided in 25 Pa. Code § 83.613(a) (relating to performance standards). Listed alphabetically, the allocations are as follows:

* Adams	\$15,000 *
Allegheny	no longer in program
Armstrong	\$129,487
* Beaver	\$15,000 *
Bedford	\$41,522
* Berks	\$15,000 *
Blair	\$20,985
Bradford	\$319,094
Bucks	\$16,793
Butler	\$0 **
Cambria	\$15,347
Cameron	\$33,680

Carbon	\$26,236
Centre	\$33,977
Chester	\$17,379
Clarion	\$61,745
Clearfield	\$67,947
Clinton	\$23,210
Columbia	\$80,410
Crawford	\$149,425
* Cumberland	\$15,000 *
Dauphin	\$23,843
Elk	\$0 **
Erie	\$53,997
Fayette	\$32,867
Forest	\$21,651
Franklin	\$15,480
Fulton	\$30,722
Greene	\$38,469
Huntingdon	\$72,888
Indiana	\$94,638
Jefferson	\$45,978
Juniata	\$36,550
Lackawanna	\$28,926
Lancaster	\$16,955
* Lawrence	\$15,000 *
* Lebanon	\$15,000 *
Lehigh	\$26,592
Luzerne	\$25,378
Lycoming	\$84,010
McKean	\$21,567
Mercer	\$48,182
Mifflin	\$21,106
* Monroe	\$15,000 *
* Montgomery	\$15,000 *
Montour	\$18,090
Northampton	\$0 **
Northumberland	\$48,666
Perry	\$42,501
Pike	\$57,558

Potter	\$135,040
Schuylkill	\$54,618
Snyder	\$28,559
Somerset	\$34,260
Sullivan	\$69,129
Susquehanna	\$137,639
Tioga	\$319,226
Union	\$25,727
Venango	\$75,582
Warren	\$195,307
Washington	\$77,789

Wayne	\$116,530
Westmoreland	\$27,727
Wyoming	\$58,789
York	\$108,227

* \$15,000 minimum applied
** Did not meet Commission spending requirements.
Total Allocated to Districts = \$3,528,000

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-1381. Filed for public inspection July 23, 2010, 9:00 a.m.]
